STAFF REPORT

DATE: January 20, 2026

TO: City Council

FROM: Sherri Metzker, Community Development Director
Dara Dungworth, Principal Planner

SUBJECT: **Village Farms Davis**
Public Hearing
Project Application #23-14
Pre-General Plan Amendment #01-23 (GPA)
Pre-Zone/Preliminary Planned Development #01-23 (Z/PPD)
Development Agreement #01-23 (DA)
Annexation / Sphere of Influence Amendment #01-23 (Annex/SOI)

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I. RECOMMENDATION

Staff recommends the City Council conduct a public hearing to:

1) Receive a Staff presentation on the proposed project;

2) Receive an Applicant presentation on the proposed project;

3) Receive public comment;

4) Deliberate; and

5) Take action to certify the Project's Environmental Impact Report:

   RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT; MAKE CEQA FINDINGS OF FACT; ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPT A MITIGATION MONITORING PLAN FOR THE VILLAGE FARMS DAVIS PROJECT (PA #01-23)

6) Take action to approve the General Plan Amendment and Baseline Project Features:

   RESOLUTION OF THE CITY OF DAVIS STATING ITS INTENT TO AMEND THE CITY OF DAVIS GENERAL PLAN LAND USE ELEMENT TO ELIMINATE THE GENERAL PLAN LAND USE POLICY ACTION LU.1.1 e. AND TO AMEND THE CITY OF DAVIS LAND USE MAP TO DESIGNATE THE PARCELS LOCATED NORTH OF COVELL BLVD, WEST OF POLE LINE ROAD AND EAST OF F STREET WITH CITY OF DAVIS LAND USE DESIGNATIONS (General Plan Amendment #1-23 – Village Farms Davis)

7) Take action to approve the Prezone and Preliminary Planned Development:

   AN ORDINANCE AMENDING SECTION 40.01.090 OF CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE BY PREZONING APPROXIMATELY 497± ACRES (ASSESSOR'S PARCEL NUMBERS (APNs) 035-970-033 AND A PORTION OF 042-110-029) LOCATED NORTHWEST OF THE INTERSECTION OF COVELL BOULEVARD AND POLELINE ROAD, TO PLANNED DEVELOPMENT (PD) #1-23 UPON ANNEXATION TO THE CITY OF DAVIS AS OUTLINED IN SECTION 40.01.110 OF CHAPTER 40 OF THE DAVIS MUNICIPAL CODE (Prezone and Preliminary Planned Development #01-23 – Village Farms Davis)

8) Take action to approve the Development Agreement:

   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS APPROVING THE DEVELOPMENT AGREEMENT FOR THE VILLAGE FARMS PROJECT (PA #01-23)

9) Take action to call for a special election:

   RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2026 FOR SUBMISSION TO THE VOTERS A MEASURE TO MODIFY THE LAND USE

DESIGNATIONS OF THE VILLAGE FARMS DAVIS PROPERTIES AND ESTABLISHING BASELINE PROJECT FEATURES

10) Take action to request the Board of Supervisors consolidate a special election:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2026, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

Project materials including project plans and the environmental documents are available online on the project webpage at: Village Farms Davis | City of Davis, CA.

Since the November 4, 2025 and the December 16, 2025 City Council workshops, Staff and the applicant have worked to incorporate the Council's feedback, on the Development Agreement (DA) in particular, and finalize the Environmental Impact Report (EIR), as summarized below. This report also contains the direction from the January 13, 2026 Council Workshop on the Project's Affordable Housing Plan and includes the final draft Affordable Housing Plan for the project under the DA discussion for Exhibit E.

A public notice was issued 10 days prior to the City Council public hearing to provide notice of availability (NOA) of the Final Environmental Impact Report (FEIR) to the responsible agencies and to notify the public of the public hearing for City Council to consider the FEIR and the project entitlements, including the requested Pre-General Plan Amendment and Pre-zoning entitlements, the Development Agreement, and to consider the resolution authorizing the project to be placed on the June 2026 election ballot. The Council will also consider approval of an application for the Annexation and the Sphere of Influence modification following an affirmative vote on the project.

II. FISCAL IMPACTS (of the Project Application)

All costs associated with the processing of the project's application and preparation of related staff reports, including the EIR, are paid by the applicant through fees.

III. COUNCIL GOALS

This item relates to Council Goals:

1. Achieving greater fiscal resilience
2. Strengthening Climate Resilience
3. Shoring up the housing continuum
5. Maintaining high quality infrastructure and services

IV. BACKGROUND

The applicant submitted the Village Farms Davis project application in April 2023. Following the submission of the application, the City Council directed staff to begin review and processing the application with the intent of allowing City Council the opportunity to review and, if approved by Council, place the VF Proposal before the voters, pursuant to Measure J/R/D. A summary of the project's milestones is provided in Attachment 1.

The Advisory Commissions' comments are summarized in the October 22 Planning Commission workshop staff report. The Planning Commission's workshop feedback is summarized in the City Council's November 4 workshop staff report. Additionally, the Commissions' staff reports and minutes are available on the project's webpage here under the Commission Review drop-down menu.

Summaries of the December and January Council workshops and their outcomes are provided below in the section discussing Exhibit E of the Development Agreement.

Planning Commission Public Hearing and Recommendation

At the December 17 Planning Commission public hearing, the Commission received the Staff Report and a presentation on the project's EIR from Raney Planning and Management, the City's environmental consultant. The Commission also received a total of approximately 100 written, in-person, and recorded public comments on the project, both in opposition and in favor. The full recording of the hearing is available here.

After significant discussion, the Commission ultimately took action to advance the project to City Council. With a 5-2 vote in favor, the Commission recommended that City Council certify the EIR based on the Draft EIR and partially recirculated EIR documents that were available to the Commission at the time of the hearing (Planning Commission Resolution No. 25-10). With a 6-1 vote, the Commission approved Planning Commission Resolution No. 25-11, recommending approval of the requested General Plan Amendment, Pre-zone and Preliminary Planned Development, and the draft Development Agreement, subject to the following recommendations for City Council's consideration:

1. A feasibility study for grade separated crossing on Covell Boulevard to be added to the baseline project features;
2. Requirement for drought tolerant landscaping without turf in the front yards of single-family homes;
3. All references to duplexes (in the project materials) be changed to halfplex;
4. Require that 20% of halfplexes in the North Village shall be eligible for down payment assistance funded by the applicant;
5. Require a solar capacity study to be provided by the applicant in connection with the tentative map;

6. Lot sizes should be able to accommodate ADU construction in connection with the tentative map.

V. PROJECT DESCRIPTION

The proposed Village Farms Davis development ("VF Proposal") is an approximately 498-acre residential neighborhood development located in North Davis, that includes land uses to create 1,800 market-rate and affordable homes. The project site is proposed on a total of 497.6 acres. The project site consists of a 382.72-acre parcel identified by Assessor's Parcel Number (APN) 035-970-033, and a 114.88-acre portion of a larger 169.9-acre parcel (APN 042-110-029) located in the northwest corner of the site. With the exception of APN 042-110-029, the project site is within the existing City of Davis Sphere of Influence (SOI). The Yolo County General Plan designates APN 035-970-033 as Specific Plan (S-P), and the parcel is similarly zoned S-P by the County. APN 042-110-029 is designated and zoned by the County as Agricultural. The VF Proposal, per the October 11, 2024 Biological Resource Preservation Alternative (BRPA) project description, proposes a mix of residential land uses and acreage for a community park; a neighborhood park; a natural habitat area; a site for a public facility or other City-identified use; a site for an educational farm; a site for a pre-K daycare; greenbelts; and an urban agricultural transition area (UATA), as shown in Table 1, and further described in relevant discussion sections later in this report. It is important to note that the BRPA, the equal weight alternative for CEQA purposes, is the project that the applicant has elected to pursue.

The project site consists of generally flat, agricultural land. In addition, two agricultural structures are located in the southern portion of the site. The project site is bisected by a north-to-south private access road ("L Street"), which also pivots and continues in an east-to-west direction through a portion of the site. A City of Davis drainage channel ("Channel A") also flows west-to-east through the site. Additionally, a Pacific Gas and Electric Co. (PG&E) easement occurs along the western and northern site boundaries, and an existing sewer trunk line runs north-south through the eastern third of the site.

Figure 1 - Location Map

Table 1 - Proposed Land Use Designations

Proposed Land Use Designation	Land Use Type	Units	Acres (approx.)
Residential Low Density	Market-Rate Single-Family Units & Duplexes	310	61.4
Residential Med Density	Market-Rate Single-Family Units & Duplexes	1,130	135.8
Residential High Density*	Affordable Multi-Family Units	360	16.0
	Residential Uses Total Units/Acres	1,800	213.2
Neighborhood Mixed-Use	Neighborhood Services	--	2.9
Public/Semi Public	Public Use (frmly labeled fire station)	--	2.5
	City Stormwater Conveyance	--	21.4
	Pre-K Early Learning Center	--	2.4
	Educational Farm	--	2.8
Parks*	Neighborhood / Community Parks	--	23.4
Natural Habitat Area	Natural Habitat Area	--	47.1
Urban Agricultural Transition Area (UATA)	UATA (including soil borrow site)	--	11.3
Neighborhood Greenbelt	Greenbelts	--	40.8
Agriculture	Agriculture	--	107.1
N/A	Roads	--	22.7
	Non-Residential Uses Total Acres	--	284.4
	Proposed Project Total Acres		**497.6**

*Initial proposed land use designation studied in the EIR included 12.3 acres for high-density residential, and 27.1 acres of total park acreage, prior to the conclusion of affordable housing negotiations.

A map showing the VF proposed land uses described in Table 1 is also available on the project's webpage here, as Sheet 6, and a more detailed land use summary matrix here as Addendum B. The VF Proposal requires several discretionary approvals, including a Pre-General Plan Amendment, Pre-Zoning/Preliminary Planned Development (PPD), and a Development Agreement (DA). The "pre" designation means that the property is not currently located within the city limits and will need annexation. As a requirement of an annexation application, the City must give the proposed site a pre-designation and pre-zoning. If the property is annexed, the General Plan designation and the Zoning/Preliminary Planned Development will take effect at that time. Otherwise, the pre designations will not take effect and the property will remain under Yolo County land use designations.

The requested applications would grant land-use entitlements to allow the project site to be annexed to the City of Davis and ultimately developed with the uses generally listed above. The General Plan Amendment and Pre-Zoning/PPD entitlements do not vest, (e.g., protect legally or establish contractually), any fees or other rights other than the proposed land uses if approved. The DA vests the project in certain fees, etc., which are

discussed below. The project applicant is requesting the following entitlements for the proposed project:

Yolo County and LAFCo Approvals:

1. Combined Municipal Service Review (MSR) and Sphere of Influence (SOI) Amendment;
2. Lot Line Adjustment (LLA) to create the legal boundaries of the project site to which the DA and Annexation request will apply; and
3. Annexation.

City of Davis Approvals:

4. Pre-General Plan Amendment to assign City land use designations to the project site;
5. Pre-zoning to determine the zoning in the event of subsequent annexation and a Preliminary Planned Development (PPD) approval;
6. Development Agreement; and
7. Action by the City Council to call for an election and set the Baseline Project Features of the project for a vote.

If the project is approved by the voters, future entitlement approvals will be required from the City, through technical reviews and public hearing processes, principally before the Planning Commission, before any construction on the project site would be authorized to commence. Tentative subdivision maps are required to subdivide the existing property into large lots (coinciding generally with the "villages") as well as small lots (to create the individual parcels for home sites and the other proposed uses). These future entitlements will provide additional future opportunities for public participation. All future entitlements will also be required to adhere to and implement the Baseline Project Features and be consistent with the DA. Mitigation measures from the certified EIR will also be applied to the subsequent entitlements to ensure CEQA compliance.

More information about this proposal, including the processing history of the application and current January 2026 project materials, is available at Village Farms Davis | City of Davis, CA. Project updates are provided, CEQA information is contained in a drop-down menu, as are the four project submittals.

VI. PROJECT ANALYSIS

Fiscal Impact Analysis and Fiscal Commission Discussion April 2, 2025

The potential fiscal impact of the proposed project on the City's General Fund is a prime consideration in reviewing the project. In previous staff reports, the Fiscal Impact Analysis (FIA) and the summary of the Fiscal Commission's review was not included. Staff was not seeking direction or feedback on the project's FIA at the DA workshops, and the summary from the Fiscal Commission's consideration of the FIA was presented as informational to the Planning Commission. The following discussion, with limited updates, was provided as an attachment to the Planning Commission and City Council staff reports for the respective workshops.

Fiscal Impact
As part of the Village Farms proposal, the City contracted with Matt Kowta of BAE Urban Economics (BAE) to conduct a Fiscal Impact Analysis of the proposed Village Farms Davis project. This analysis, along with supporting materials, can be found here. The BAE Fiscal Analysis evaluates the long-term impact of the proposed project on the City of Davis general fund. It does not include one-time infrastructure or utility costs. The memo provides details for the fiscal assessment and walks through the methodology and the assumptions for General Fund revenues and expenditures related to the project over the course of full buildout, or 15 years. The Fiscal Commission was asked to review the fiscal impact analysis and its assumptions, and provide feedback for the Planning Commission and the City Council as to the appropriateness of the assumptions in the model. A summary of their discussion is provided below.

Key assumptions are also shown below in Table A (Exhibit A: Key Assumptions). Additional assumptions include a 15-year buildout, annual city personnel costs increasing at 4% and non-personnel costs at 2.5%, estimated home values ranging from $740K to $1.3M, and an assumed 50/50 property tax split with Yolo County. Staff supports the assumptions and the methodology and believes they adequately reflect the project as proposed to the City.

Distribution of Fire Station Costs. The project initially proposed to site a new fire station within the project area, which would serve the project area, as well as other existing and future developments in a reconfigured service area. The existing three fire station configuration leaves some areas of the city outside of the target 5-minute response time. Village Farms, if approved, would also be outside the five-minute response time. This is not a new situation nor is the proposed project the cause for a new station; the 2001 General Plan notes the need for a fourth fire station.

Since the Fiscal Commission meeting, through the course of the DA negotiations, and partially in response to public comments concerning the need for a fourth fire station and the City's ability to fund ongoing operations of a new station, the acreage originally designated as the fire station (aka "emergency services community center") site is now designated as Public/Semi-Public. The City will continue to analyze the need for a fourth fire station. If it is determined that a fourth fire station is needed, this acreage could be designated for the new station.

Because the initial project description included a fire station, and it was identified as a potential significant cost of the proposed project, BAE's memo thus provides three fiscal scenarios to address the cost of a new station:

- Scenario 1 (Full Cost/High): Project bears entire $3.4M/year fire station cost - significant fiscal deficit.
- Scenario 2 (Proportional Cost/Mid): Costs shared with existing Davis development (1/3 to Village Farms) - fiscal break-even.
- Scenario 3 (Wider Sharing/Low): Costs also shared with projected future growth - still break-even.

The first and third scenarios bookend high and low costs, but staff assert the middle scenario (Table 1b: Mid Cost Scenario) is the most appropriate. The need for a fourth fire station is not the responsibility of Village Farms alone, and it is not prudent at this time to assume additional development in other locations. Using the Mid-level assumption appropriately acknowledges the additional cost that should be attributed to Village Farms if in the future the City decides to construct a fire station on the project site.

Table 2 – Key Assumptions (Excerpted from the FIA)

Exhibit A: Key Assumptions

City Revenue and Expenditure Inflation	
General Rate of Revenue Inflation:	2.5% per year
Non-Residential Property Appreciation:	2.5% per year
Inflation for Personnel Costs (a):	4.0% per year
Inflation for Non-Personnel Costs:	2.5% per year

Annual Real Estate Market Appreciation	
Single-Family for-sale units	2.5%
Multifamily for-sale units	2.5%
Multifamily rental units	2.5%
Non-residential properties	2.5%

Population and Employment Densities	
Ownership	
Residential Medium Density	2.72 persons per household
N.A. (Condos and Stacked Flats)	1.69 persons per household
Residential Low Density	2.72 persons per household
Multifamily Rentals (Residential High Density)	
Apartments (Market Rate)	2.10 persons per household
Apartments (Affordable)	2.10 persons per household
Non-Residential	
Retail (Neighborhood Services)	500 square feet per employee
Pre-K Early Learning Center (Property Tax Exempt)	1,000 square feet per employee
Educational Farm (Property Tax Exempt)	n.a. square feet per employee

Variable vs. Fixed Costs for Service Expansion

Department or Function	**Percent of General Fund Costs Variable**
Department of Public Works Engineering and Transportation	75%
Department of Public Works Utilities & Operations	75%
Community Development Department	75%
Parks and Community Services	75%
Fire Department	75%
Police Department	75%
Social Services & Housing	75%
General Government Functions	75%
Information Systems	75%
Non-Departmental	75%

Funding Mechanism(s) for Open/Natural Spaces
The study assumes that the City will take on maintenance costs for the parks in the project but that the maintenance of other open/natural space features will be paid for by other funding mechanisms outside of the General Fund. These spaces include greenbelts, roadway landscaping, the proposed Urban Agricultural Transition Area (UATA), and the Natural Habitat Area. Funding mechanisms include a third-party conservancy, Community Facility District(s), and/or Landscape and Lighting Maintenance Districts.

- *Landscape and Lighting Maintenance District (LLMD):* This is a special financing district that can fund public amenities such as landscaping and street lighting. The City would levy a special tax on each property in the District and pay for the maintenance and upkeep of the designated public properties with the funds. Funds are restricted to this use within the District.

- *Community Facilities District.* A Community Facilities District operates much in the same way as an LLMD. It is a special tax district to fund infrastructure and/or services. A CFD may be based on property type, lot size, or other factors. CFDs may be used to fund lighting and/or landscape maintenance if the funding and use are clearly spelled out.

- *Third Party/Private Conservancy or a Trust*. In this mechanism, the developer would set up a trust with funds sufficient to fund ongoing maintenance of a specific area, such as the Natural Habitat area. Either the City or a designated third party would be responsible to manage the funds and to address maintenance needs for the designated area(s).

Staff concurred with the assumption in the study that the General Fund should not bear the burden of paying for the ongoing maintenance of these spaces, and at the time did not recommend a specific funding mechanism, mainly because the DA negotiations had only begun and it was too early to speculate on the possible content of the DA. Funding mechanisms are thus discussed in Exhibit L of the Development Agreement (Impact Fees, Credits, and Municipal Financing).

Commission Input - Fiscal Commission Meeting April 2, 2025
At their April 2025 meeting, the Fiscal Commission received a presentation from BAE on the independent fiscal analysis and was asked to discuss the fiscal impacts of the proposed project on the city, as well as discussion of possible funding mechanisms for the natural habitat and open space areas in the project. A summary of the commission's discussion is shown below. The Commission's staff report is available on the project's webpage here under the Commission Review drop-down menu.

Fiscal Commissioners raised questions including:
- If the project only breaks even, are we being good stewards of city resources?
- Why does the city only get approximately 11% of property tax, and who gets the rest?

- Can the city negotiate better tax-sharing terms with the county?
- How sensitive is the model to cost increases or slower housing absorption?
- What happens fiscally if infrastructure phases are delayed or misaligned?
- Has a version of the analysis been done without a new fire station? Can the city explore cheaper alternatives (e.g., EMS-only facility)? Why assume building a new fire station?
- Will ongoing maintenance costs for parks/open space be handled through a Community Facilities District or special tax?
- How will this affect the overall tax burden on residents?
- Which assumptions have the biggest fiscal impact (e.g., valuation, absorption, service variability)?
- Has the team modeled "worst-case" or delayed-scenario impacts?
- Should the city aim for projects that provide net positive revenue, not just break-even?
- Are the assumptions in the model conservative, reasonable, or optimistic?
- Can you break down cost assumptions (especially variable cost ratios) by department, such as fire, police, public works?
- How does the general fund account for capital needs (e.g., road overlays or facility replacements) if they're not included in this model?
- Should maintenance of open/natural space be considered through other funding mechanisms (to avoid burdening the general fund)?

Summary of the Fiscal Commission Discussion
The Commission's approved minutes for the April 2, 2025 meeting are available on the project's webpage here under the Commission Review drop-down menu.

1. An analysis of alternatives to proposed development, such as relocating fire stations or choosing different forms of development.
2. A sensitivity analysis including scenarios such as recessionary conditions and varying housing cost assumptions.
3. Evaluation of future costs to the city related to hazardous waste and environmental cleanup.
4. Consideration of whether the proposed development is fiscally neutral or revenue-positive—potentially by incorporating:
    - Higher density
    - Mixed-use with more non-residential components
5. A requirement that funding mechanisms for open/natural spaces be fully structured before development is approved.
6. It is also recommended that the City Council form a subcommittee to track the fiscal aspects of the proposed development project, including funding for open and natural spaces, development agreement evaluations and overall fiscal impact on the city (neutral or positive).

It should be noted that a fiscal impact analysis is an exercise conducted to make a reasonable, educated valuation and cost estimate of the project. In addition to the Key Assumptions outlined above and in Exhibit A of the analysis, the project's FIA used the

City's currently adopted development impact fees as inputs in the model to estimate the project's potential fiscal impacts. The project attained fiscal break even in Scenario 2 (Proportional Cost/Mid) using the current impact fee amounts. The FIA is the first review and analysis of the project's fiscal impact.

The City and the applicant acknowledge that the FIA was based on the best available information at the time it was conducted. Through the course of the DA negotiations, Staff recognized and the applicant agreed, that the project could not be vested in the current impact fees. Exhibit L to the DA describes the City's anticipated update to the non-transportation related development impact fee program occurring no later than January 31, 2028. Exhibit L also provides for the requirement of a new nexus study in support of the City updating its transportation-related development impact fees, towards which the applicant has agreed to pay for its fair share of the study.

Due to the amount of entitlement work that will be required prior to development impact fees being applied to the project, Staff believes these timelines allow for the updated fees to be in place within the next two years and prior to these subsequent activities.

More discussion about Exhibit L is provided below under the DA discussion for that Exhibit.

General Plan Amendment

Prior to annexation of property into the city limits, the city must first establish the General Plan Land Use designations that would be placed on the property. For the VF Proposal, the area proposed for annexation is made up of one parcel (APN 035-970-033) and a portion of parcel 042-110-029. A lot line adjustment or tentative parcel map will need to be processed and approved by Yolo County before the annexation of the project site can occur to create the actual parcel on 042-110-029 that would be annexed. The DA will address the timing of this requirement. The proposed designations are shown in the proposed General Plan Land Use Plan available here. Note, the proposed land use designation on APN 042-110-029 is not for the entire parcel.

Proposed Text Amendment

In addition to the pre-designation for the proposed land uses, the project proposes one text amendment to the existing General Plan, to delete Land Use Action LU 1.1e.:

> "Create and maintain an effective growth management system designed to keep the population of the City below 64,000 and the number of single-family dwellings below 15,500 in 2010…" (page 91-92)

Staff and the Planning Commission are supportive of removing this language from the current General Plan because the horizons of the stated metrics are obsolete and therefore, their removal is effectively a minor clean up in advance of the ongoing General Plan Update that commenced in earnest earlier this year.

Pre-Designations

Generally, Staff and the Planning Commission are supportive of the proposed General Plan pre-designations which are mainly residential of various density ranges. Two proposed designations are somewhat unique to the project and are discussed below. The proposed Land Use Exhibit is here. It should be noted that the lotting design and street locations shown in the proposed Land Use Exhibit are conceptual only. Final layout of the large (villages) and small (individual parcels) lots and the street locations will be determined through the subsequent processing of future tentative subdivision maps which require approval by the Planning Commission.

A 107-acre portion of parcel 042-110-029 (in the northwest quadrant of the project site), also referred to as the Northern Agricultural Area (NAA), is proposed to be used as a soil borrow site from which to remove soil and place it on the proposed development areas to raise the residential portions of the project site out of the 100-year flood plain and meet the 200-year floodplain requirement. Staff had concerns that after the removal of the soil, the borrow site would no longer be viable for farming. The applicant believes that with a soil restoration plan, the potential future viability for the soil borrow site to support commercial agriculture is possible. Therefore, the applicant has proposed this portion of the project site be designated Agriculture once annexed into the City limits. Agriculture is an existing City land use designation included in the 2007 updated General Plan, however, very little acreage in the City is currently designated Agriculture.

The intent of the Agriculture designation is to:

- Protect valuable natural resources;
- allow for productive agriculture use surrounding or within Davis;
- ensure a permanent buffer between adjacent jurisdictions that will maintain the separate identities of Davis and the surrounding cities; and
- serve as a visual amenity around urban development.

Staff and the Planning Commission are supportive of the borrow site being designated Agriculture because the requirements for the restoration of the NAA to a viable agricultural use are provided in the draft DA to the City's satisfaction.

The Neighborhood Mixed Use (NMU) designation has been applied to three other properties within the City, including Bretton Woods (originally processed as 'West Davis Active Adult Community'), the 2751 Del Rio Place Live/Work project, and The Cannery (Resolution No. 13-160, Series 2013). The intent of the Neighborhood Mixed Use designation is to provide:

- a mix of non-residential and residential uses in areas conveniently located to neighborhoods; and
- facilitate transit and bicycle and pedestrian travel through a blending of retail, job-generating, and residential uses.

Allowable uses include:

- Retail and service uses to serve the daily needs for goods and services of surrounding City residents and businesses such as groceries, restaurants, pharmaceuticals…and similar uses;
- Office, research, and research/development uses;
- Business park and light industrial uses;
- Commercial service uses;
- Residential uses, including home occupations and live/work units; and
- Public and institutional buildings.

Staff and the Planning Commission are supportive of the NMU pre-designation because it provides for some commercial uses to support employment, goods and services in proximity to the new residential uses.

Baseline Project Features

Because the majority of the project site is currently designated Agriculture (Yolo County's General Plan land use designation) and is proposed for development, the proposed Pre-General Plan designation is subject to a vote under Chapter 41, Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands, in the City's Municipal Code. Therefore, Chapter 41 requires the applicant to provide a draft of the "Baseline Project Features" (BPF). These features of the proposed project are commitments made by the applicant and which are considered and acted upon by the voters of Davis in a general election. The electorate will vote on those Baseline Project Features as part of the Measure J-R-D vote, which has been tentatively scheduled for the June 2026 election.

The draft BPF are part of the General Plan Amendment and are attached as Exhibit B to the General Plan Amendment Resolution of Approval, which is provided as Attachment 4. The complete General Plan Amendment Resolution is also incorporated into the draft Development Agreement as Exhibit B to the DA. Included in the BPF are project goals, a land use summary, and project commitments. Project commitments are generally features or improvements that are beyond what those that are required by the City of Davis Municipal Code or other regulation.

The major commitments contained in the project's BPF summarize a variety of topics including land uses (residential and non-residential); the annexation of the project site into the City of Davis; roadway improvements, active transportation/mobility and transit; agricultural land, open space and habitat; and financing. More detailed discussion is provided in the corresponding individual DA Exhibit subsections below.

The Baseline Project Features are considered to still be in draft form prior to being considered and acted on by the City Council. The City Council may elect to seek revisions of the Baseline Project Features before taking action to approve (or deny) them. The Baseline Project Features have changed since the Planning Commission took action to recommend their approval.

In response to the direction from City Council at the January 13 workshop, a change was made related to the affordable housing commitments for the project; the BPF were amended to align with the final draft of Exhibit E, as provided herein. A majority of the Council voted to include 100 affordable units in the baseline project features of the project and the stipulation that half the building permits for Phase 3 of construction would be held back until the affordable units building is in motion. More information is provided within the discussion of DA Exhibit E below.

As presented, Staff and the Planning Commission are supportive of the proposed Text Amendment and of the proposed land use pre-designations. Planning Commission reviewed the then-current draft of the Baseline Project Features and with a majority vote, recommended City Council approval. Staff is supportive of the revised draft Baseline Project Features as provided with this staff report and recommends the City Council approve the proposed pre-General Plan Amendment. The draft Resolution of Approval for the General Plan Amendment, including the current draft of the Baseline Project Features, is provided as Attachment 4.

Pre-Zoning & Preliminary Planned Development

Along with the pre-designation of the General Plan Land Uses, an annexation application must also identify the zoning that will be applied to the property upon annexation. This is called Pre-Zoning. In this instance, all the property is proposed to be zoned Planned Development (PD). A Preliminary Planned Development (PPD) is also proposed to establish the initial land uses allowed within the various PD zones. If annexed and when a Final Planned Development (FPD) is approved in the future, it may refine the uses listed in the PPD, while maintaining consistency with the underlying General Plan designation, and will establish development standards and potentially other design requirements within each PD zone. The zoning ordinance states that the PD zone is meant to offer flexibility from the rigid development standards contained in the standard zoning.

Staff and the applicant have worked to refine the PPD so that it more closely aligns with the associated zone districts within Chapter 40 and also furthers the goals of the City and the applicant for the allowed uses within the project. In particular, Staff analyzed the allowed and conditional uses within the existing Agricultural zone district and recommend that many of the allowed and conditional uses be prohibited through the project's planned development zoning. The uses that staff is recommending be prohibited are more intensive than crop production and have potential to be incompatible with the proposed residential uses in close proximity to the 107-acre site due to the noise and/or odor, or types of activity they would likely generate. Additionally, the goal is to retain these 107 acres for commercial farming and crop production, therefore allowing other types of commercial and noncommercial uses, such as private garages, drive-in theaters, mines, and airports, to name a few, would not be supportive of the property remaining in active agricultural use.

A Final Planned Development (FPD) will be required prior to, or concurrent with, the processing of the first small lot tentative subdivision map. The final zoning may include minor amendments to the allowed, accessory, conditional, and prohibited uses as adopted by the PPD, but any minor revisions would still be required to be consistent with the General Plan Land Use designations and with this PPD. The FPD will also dictate development standards for each zone district.

As drafted, Staff and the Planning Commission are supportive of the Pre-Zone and of the PPD and recommend the City Council approve the Pre-Zone and the PPD. One minor revision was made to the PPD since Planning Commission recommended approval, to revise the fire station language to indicate general public use. The draft Ordinance for the Pre-Zone and PPD is provided as Attachment 5.

Annexation

As noted above, as part of any requested annexation procedure, a city must first establish the proposed land use and zoning that will be applied to the property, prior to the vote of annexation. In the City of Davis, conversion of a property with an agricultural land use designation to a nonagricultural land use designation cannot occur without a prior Measure J/R/D vote of the registered voters within the City. If the City Council were to approve the project in January, the vote to approve the land uses would likely occur in June 2026. Prior to the annexation, the applicant would need to obtain approval from Yolo County of a lot line adjustment to the create the final legal parcels to which the DA is to be assigned and which are contemplated for annexation. Additionally, the City and Yolo County will need to negotiate a tax share agreement before the Yolo County Local Agency Formation Commission (LAFCo) can approve the annexation. The Annexation and Sphere of Influence (SOI) Map is available here.

Development Agreement

In addition to the proposed land use entitlements necessary for annexation, the applicant has also requested the approval of a development agreement. A Development Agreement (DA) is a voluntary, long-term contract, negotiated in good faith, between the City and a developer through which both parties commit to certain project features, components, or other terms such as timing and/or financing of specific required improvements. In other words, DAs provide a vested right for development of the property and establish obligations of both parties. Development agreements do not supersede City ordinances, and they typically do not include elements that are statutorily required by code. Their purpose is to provide a well-defined framework to identify responsibilities, timelines, and financial obligations that mitigate risk for the developer in exchange for benefits provided to the City beyond the statutory requirements. Generally, the City Council takes the lead regarding appropriate public benefits and other DA provisions. The City Council appointed an Ad Hoc Subcommittee of Councilmember Donna Neville and Councilmember Linda Deos to provide guidance to staff in negotiating the DA for the project.

The DA for the project addresses a variety of project related issues and implementation of the Baseline Project Features, as discussed in the following sections. By including the implementation provisions in a DA, there is a greater understanding of the methodology under which the Baseline Project Features will be undertaken, as well as the certainty that there are legal obligations placed on both parties to perform as agreed. The draft DA is attached to the draft Ordinance approving the Development Agreement provided as Attachment 6.

As noted above, the issues on which staff sought direction as DA negotiations progressed in Fall of 2025 were presented at the Planning Commission and City Council workshops in October and November, respectively. Both bodies provided feedback to staff and the applicant on various aspects of the DA and several of the specific draft DA Exhibits.

The proposed Affordable Housing Plan has been the subject of the two subsequent City Council workshops held on December 16, 2025 and January 13, 2026. The outcome of the January 13 workshop is provided in the discussion of Exhibit E below.

The DA subjects will be discussed in the same order they appear in the development agreement itself. The draft DA, as is currently negotiated between the City and the applicant, incorporating the feedback and direction from the three City Council workshops, includes the body of the DA, which describes the contract terms for the agreement, and the following project feature and commitment exhibits:

- Exhibit B General Plan Amendment Resolution and Baseline Project Features
- Exhibit E Affordable Housing Plan
- Exhibit F Sustainability Commitments
- Exhibit G Transit, Transportation and Circulation
- Exhibit H Agricultural Conservation
- Exhibit I Parks, Greenbelts, and Open Space
- Exhibit J Urban Forest and Landscape
- Exhibit K Public Property and Right of Way Landscaping
- Exhibit L Impact Fees, Credits, and Municipal Financing
- Exhibit M Infrastructure Phasing Plan
- Exhibit N Wetlands
- Exhibit O Community Benefits

Along with direction from Council on January 13, additional formatting and technical details have been incorporated into the final draft version for final consideration by City Council.

EXHIBIT B BASELINE PROJECT FEATURES

Baseline Project Features and Measure J/R/D Vote

See discussion under the General Plan Amendment section above and under the Measure J/R/D Vote – Election section below.

EXHIBIT E AFFORDABLE HOUSING PLAN

City Council Workshops

At their second project workshop, the Council received a presentation focused on Exhibit E the of DA, the affordable housing commitments. Generally, the Council gave direction that the applicant/developer needed to be committed to the actual construction of the project's 360 affordable housing units, or some portion thereof.
At the third workshop, a majority of the Council voted to include 100 affordable units in the baseline project features with the stipulation that half the building permits for Phase 3 of construction would be held back until the affordable units building is in motion.

As currently drafted, Exhibit E provides a Project Individualized Plan (PIP or "Plan") for the Project. The Exhibit has been modified significantly in response to the City Council's direction at the workshop on November 4, 2025. Specifically, the applicant proposes to dedicate approximately 16.0 acres of land to the City in addition to committing a $6,000,000 contribution directly to the City's Housing Trust fund. The City and the developer are generally in agreement on the location of the land dedication parcels and that the parcels will be developed with one or more qualified affordable housing developers selected by the City.

Following the November 4th Council workshop, staff and the applicant negotiated further to deliver a PIP that is both responsive to the Council and to the community's direction to address housing affordability. For context and the draft PIP that was presented to the Council at the workshop, refer to the staff report here. The applicant's revisions of the proposed PIP include a land dedication parcel of approximately 16-acres, 280 affordable units reserved for very low and low-income households, 80 units for moderate income households, and a cash contribution of $6 million dollars to the City's Housing Trust Fund. The proposed change is an increase from the initial commitment of 9.27 acres of land, a $2 million contribution to the City's Housing Trust Fund, and alternative mechanisms to meet standards under the City's Municipal Code.

Land Dedication

Consistent with the Municipal Code requirements for land dedication, the applicant has committed to deliver a 16-acres of land, which at the time of dedication to the City, will be fully improved with infrastructure, frontage improvements (i.e., curb, gutter, walk), paved street access, and utility (i.e., water, gas, sewer, and electric) service connections stubbed to the property lines. The land will be conveyed across a maximum of four (4) legal parcels, with no parcel being smaller than 2.5 acres in size. The land dedication may take place with the Master Tentative Map in Phases 1 and 2, however the

infrastructure serving the identified lots will be constructed with the associated Project phase. The exact size and location of the land will be determined at the first map action, one of the Subsequent Project Approvals defined in the DA, to ensure that sites are "shovel ready," including the construction of the adjacent infrastructure and the receipt of the Housing Trust Fund contribution.

Affordable Housing Product Mix and Income Targeting

The affordable housing developed on the land dedication parcels will serve:

280 units reserved for very low and low-income households, with the following income targets:

- A minimum of 50% of the units will be affordable to very low-income households (≤50% of Area Median Income)
- The remaining units will be affordable to low-income households (≤80% of Area Median Income)

80 units for moderate income households, with the following income targets:

- All units will be affordable to moderate income households between 80% and 120% of Area Median Income

The specific composition of the units developed on the land dedication parcel will be determined at the discretion of the City, since the City will own and ultimately convey the land dedication site to the affordable housing developer(s).

Cash Contribution to the Housing Trust Fund

In addition to the land contribution listed above, the applicant will contribute $6,000,000 directly to the City's Housing Trust Fund. These funds are contributed with the goal of constructing all of the multifamily units as deed-restricted units.

The funds contributed to the Housing Trust Fund shall be used exclusively to support the development of affordable housing on the land dedication parcel within the project unless, at the time the funds are fully contributed to City, the City determines adequate funding has been secured for the construction of the required affordable housing on each land dedication site within the parcel, and in which case the funds may be used for any purpose in conformance with Chapter 18.05 of the Municipal Code.

The housing market, particularly affordable housing development, remains too volatile for staff to reasonably forecast potential impacts. However, through the dedication of the land parcel for the development of 280 Very Low- and Low-Income Affordable units, 80 Moderate Income units and a contribution of $6,000,000 directly to the City's Housing Trust Fund, the Affordable Housing Plan supports the feasibility of the construction of the units and will generate an amount of affordability that is greater than the amount that would be generated under the standard affordability requirements for the City.

Based on the Social Services Commission's and the Planning Commission's feedback, as well as the City Council's direction, Staff recommends approval of Exhibit E as presented.

EXHIBIT F SUSTAINABILITY COMMITMENTS

As currently drafted, the Sustainability Commitments reflect updates and refinements crafted since the Planning Commission and the City Council Workshops.

Prior to the workshops, on September 30, 2025, Staff received feedback from the City Council to look at alternatives for additional Sustainability features the Project could provide. Attachment 4 to the Council Workshop staff report provides an evaluation of the then-drafted Project sustainability plan.

It should be noted that all code and policy citations in Exhibit F are provided for reference only, to illustrate the code provisions, requirements, standards and goals applicable to the Project. The Project will be subject to the code provisions, requirements, standards and goals referenced in Exhibit F as such code provisions, requirements, standards and goals exist as of the date of approval of the tentative subdivision map(s) for each phase of the Project. Any reference therein does not vest the Project in such code provisions, requirements, standards and goals as of the Effective Date of the DA.

The complete electrification of the project in its entirety is the sole project feature that exceeds the existing Code requirements as provided in the compliance matrix in the Exhibit. Because the electrification of the Project is beyond what is required by current codes and policies, this commitment is also a Community Benefit and is included in Exhibit O, as well.

In response to Council direction, two additional Sustainability Commitments that exceed Code requirements have been added to the Exhibit, and agreed to by the applicant, since Planning Commission considered the draft and took action to forward the project. The Purchase of Carbon Offsets and Utility Connections commitments provide additional potential future opportunities for the developer to deliver a project that exceeds the City's current sustainability requirements.

All other Project features listed in this Exhibit are consistent with the current Code requirements.

Exhibit F is organized into two main subjects, Sustainability and Natural Resources. The goals and initiatives to which the Project commits are presented in two tables. In addition to the electrification of the Project, the Sustainability Commitments include solar and other energy related commitments, the provision of EV infrastructure, City Reach Code compliance, and waste reduction/recycling-related commitments. The Natural Resources commitments include air quality, flooding and stormwater management and quality, water utility capacity, and wastewater utility capacity.

Additional CEQA-related discussion regarding the wastewater treatment plant capacity is included in the Environmental Impact Report discussion later in this report.

Based on the Climate and Environmental Justice Commission's and the Planning Commission's feedback, as well as direction from the City Council, Staff and the Planning Commission recommend approval of Exhibit F as presented.

EXHIBIT G TRANSPORTATION FEATURES

As currently drafted, the Transportation Features exhibit has been modified significantly in response to the City Council's direction.

Roadway Improvements

Given that the project request does not include a tentative subdivision map, the actual transportation system shown within the project is conceptual. However, the traffic analysis prepared for the project predicts those off-site improvements that would be caused by the project and those off-site improvements where the project would contribute to the need for construction (also called cumulative.) The developer is proposing roadway connections to the project along Pole Line Road at Moore Blvd., Donner Avenue and Picasso Avenue and along Covell Blvd. in one location. In addition, staff is recommending a proposed road connection at the Cannery Loop traffic Circle.

The City of Davis General Plan Transportation Element states the acceptable Level of Service for automobiles on major intersections during peak and non-peak hours. Level of Service E is the minimum acceptable operating level. The analysis from the Village Farms Local Transportation Analysis shows that the existing plus Village Farms project and with improvements identified in the report will result in intersections having a Level of Service between C and E, which is within the allowed threshold.

Grade Separated Crossings

The applicant is proposing to construct a grade separated crossing over F Street and a grade separated crossing under Pole Line Road. These crossings are in compliance with the 1989 Davis Greenways Plan and the 2014 Beyond Platinum Bicycle Action Plan. The 2014 East Covell Corridor Plan studied pedestrian and bicycle grade separated crossings at four different locations along Covell Boulevard. At the City Council workshop, the Council asked for additional information about a potential 3rd bike / ped crossing over Covell Blvd. to allow access to the Oak Tree Plaza Shopping Center. Staff has prepared the attached table summarizing the benefits and challenges related to all three crossings and ranked them in order of preference. The result is that the F Street Crossing is ranked as the first priority and the Covell Blvd. crossing being ranked as the last priority.

Table 3 – Grade Separated Crossings Rankings Matrix

	Benefits	Issues	Staff Rank
F Street /UPRR	• Provides an additional point of access across UPRR tracks, currently only 6 exist in Davis. • ROW exists along west side of F Street • Identified in the 2009 Bicycle Plan. • Connect Village Farms to North Davis Elementary & Davis High School entirely on off-street paths • Access most of North Davis on entirely off-street paths: The Marketplace Shopping Center in particular • More comfortable commute for potential UCD students/ faculty/staff	• Coordination with UPRR will be challenging and will most likely be a bridge. • Large spans on the bridge will be costly (span the creek, UPRR ROW and F Street) • Height and ROW limitations will make meeting ADA grade requirements challenging.	1
Pole Line Road	• Provides access to Wildhorse neighborhood and Nugget Fields. • Identified in the 2009 Bicycle Plan. • Connect to Korematsu Elementary and Harper JHS entirely off-street	• Utility conflicts including a large water line might require utility relocation or design exceptions. • Will require coordination with DJUSD to provide right of way for a landing in the Nugget fields.	2
Covell Blvd.	• Provides access to schools and shopping center. • Several crossings were envisioned on the East Covell Corridor Plan. • Most likely to reduce short car trips (to Nugget, CVS, etc.)	• Might require recirculation of the DEIR. Impacts south of Covell were not considered. • Would need ROW south of Covell from 3rd party. • Utility conflicts might require relocation or design exceptions.	3

		• ROW limitations will make meeting ADA grade requirements challenging. • Construction phasing would be challenging. Requiring lane reductions and several phases.	

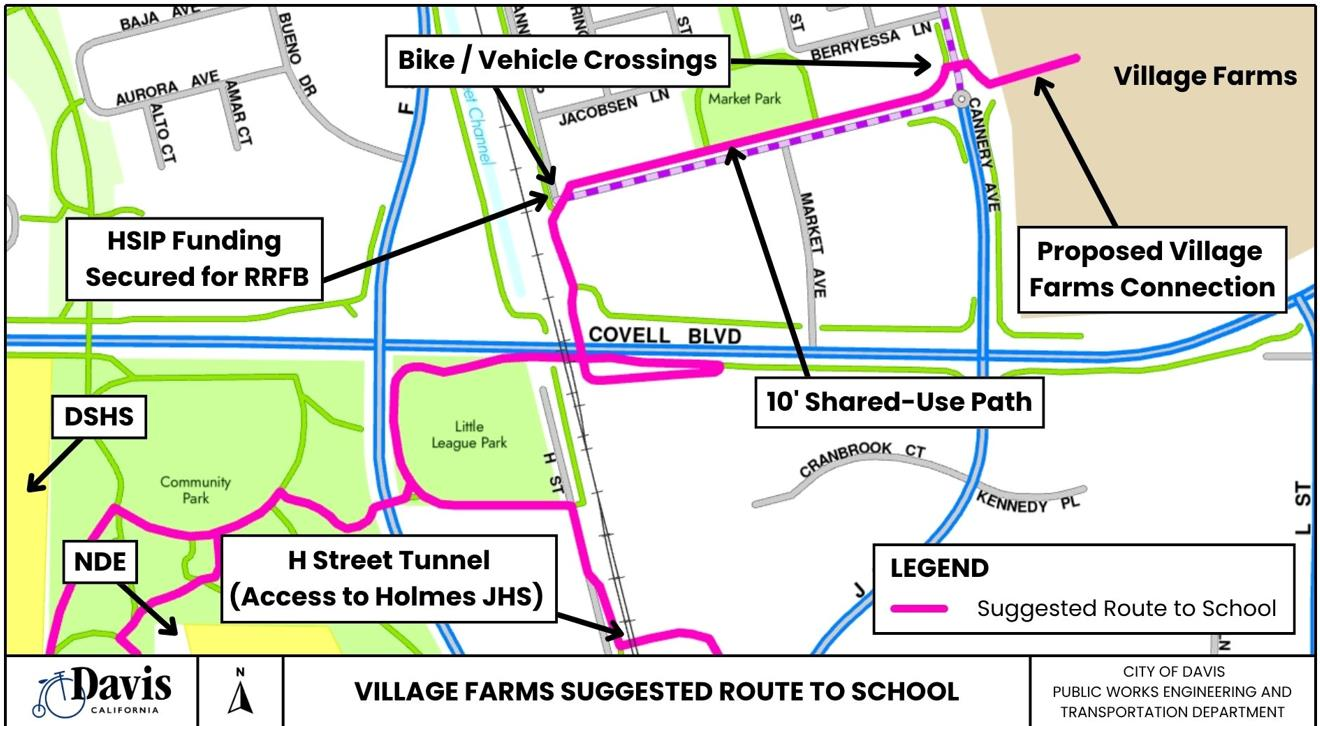
The primary challenge with the Covell Blvd. crossing is that it has not been evaluated as part of this project's EIR. Adding it to the project now would require additional time to evaluate it further and likely would require recirculation of the Draft EIR as it was not studied. This is the primary reason it was ranked lower than the other two. The applicant verbally agreed to fund a feasibility analysis that will look at two crossing alternatives along Covell Blvd. and to prepare a planning level cost estimate that will assist the city in determining the preferred crossing location.

Safe Routes to School

To increase bike/ped safety to local schools, the applicant is proposing the installation of high visibility bike lane conflict markings. These markings would be installed in the northbound and southbound direction across both East Covell Boulevard and Denison Drive; high visibility marked crosswalks across the east leg of the East Covell Boulevard/Birch Lane intersection and across the east and south legs of the Birch Lane/Denison Drive intersection; and installation of a bike lane with conflict markings at the northbound approach of the East Covell Boulevard/Birch Lane intersection. The applicant is also proposing to install Class III bike route pavement markings (e.g., green-backed sharrows) and accompanying signage on Birch Lane between East Covell Boulevard and Pole Line Road prior to occupancy of the first residential unit during Phase I of the project.

Staff was also asked by the City Council to identify the safe route to school for students going from Village Farms to Davis Senior High School on bike or as pedestrians. The Village Farms Suggested Route to School exhibit shows where this path of travel would be.

Figure 2 – Proposed Safe Routes to School Diagram



The proposed path only includes two roadway crossings in the Cannery, one at the Cannery Loop Roundabout and one near the Cannery Dog Park and would keep students on shared use paths to access the school.

<u>Bike Paths on Covell Boulevard</u>
There were also questions about protected bike facilities along Covell. The project will construct a shared use path that will be separated from the roadways for active users. It will also include a buffered class II bikeway along Covell that will be eight feet wide and have a three-foot buffer. Adding any vertical features for the bike lane buffer would make it so that Recology would not be able to use a street sweeper to sweep the bike lane. Therefore, the Public Works staff would remove any debris in the bike lane by hand if staffing levels allow thereby affecting the cleanliness of the bikeway and its useability. Staff is not recommending adding the vertical elements until such a time as there is equipment and staffing that would allow for a buffered bike lane to be regularly maintained. In the event that proper equipment and staffing are provided, the design can be modified to add the vertical elements.

<u>Traffic Calming Picasso Avenue</u>
The applicant has agreed to contribute $100,000 toward the construction of traffic calming improvements along Picasso Avenue. These would most likely be in the form of speed humps or speed tables and will be constructed at the time that the traffic signal at Pole Line and Picasso is constructed.

Traffic Signal Coordination

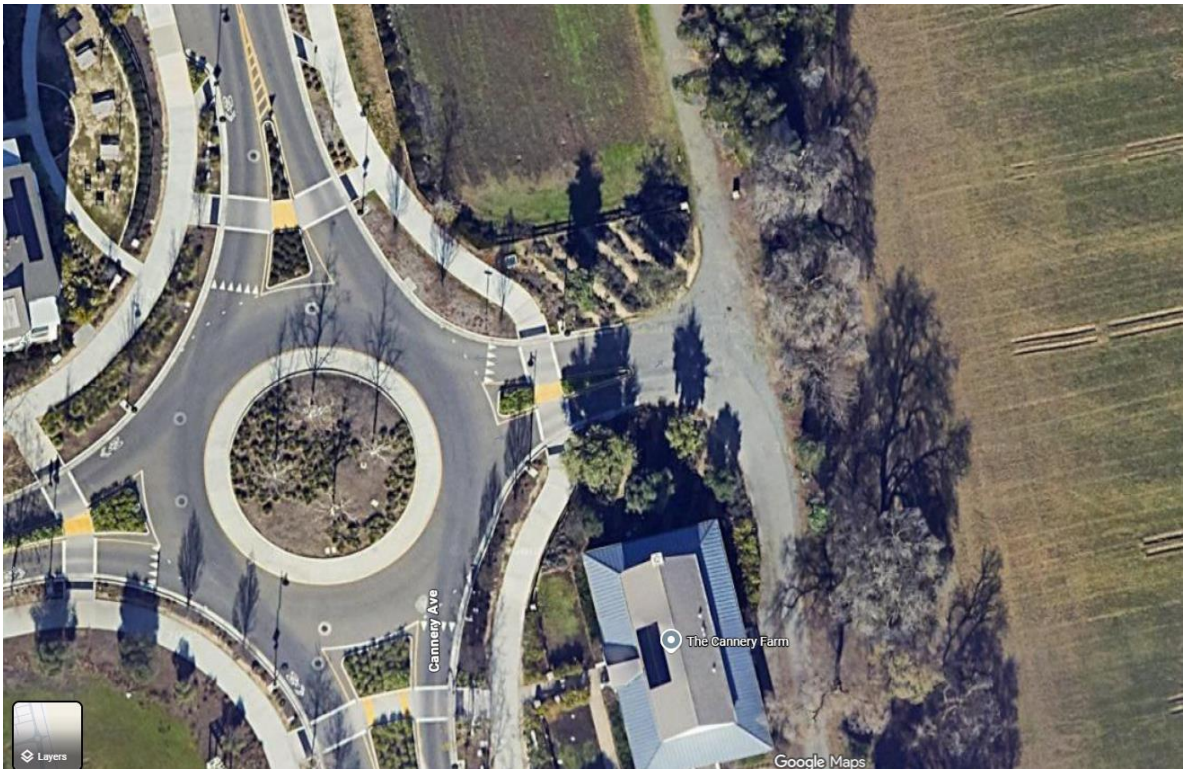
The 2014 East Covell Boulevard Plan recommended that the City coordinate the traffic signals along the Covell Boulevard Corridor. This effort could ensure optimal travel speeds, reduce travel delay, and improve air quality. Therefore, the recommendation included in the Village Farms Davis Local Transportation Analysis includes a requirement for the project to include a fair share contribution toward the coordination of the traffic signals along Covell Boulevard to improve Level of Service for motor vehicles and transit. This requirement, along with the others included in the Analysis are required to make the project consistent with the policies of the General Plan.

Connection to the Cannery

Staff is recommending that the Village Farms project include a connection to the roundabout located in the Cannery project. This connection would afford the residents of the Cannery an opportunity to access the new Village Farms community park and Pole Line Road without having to use Covell Blvd. In addition, the Village Farms traffic has a second point of access to Covell Blvd. Without the connection, there would be more east bound left turn lanes at Covell and L Street bringing into question whether there is adequate turn lane storage and whether or not the intersection level of service is acceptable.

Today, there are 277 vehicles using the roundabout in the peak hour. This is a Level of Service condition A. With the Village Farms project, the peak trip count goes up to 740 vehicles per hour, which remains a Level of Service A condition. Without interconnectivity between projects along Covell Blvd., the level of service on Covell Blvd. will continue to decline. Unfortunately, the opportunity for connectivity is lost for many existing projects (Wildhorse, Bretton Woods, Palomino Place). Given that the capacity is available in the roundabout, the city owns the property where the road would be constructed, and the General Plan level of service criteria can be met, staff recommends the connection be required. The applicant is in agreement with this requirement. The details for the traffic analysis can be found here, under Transportation Studies.

Figure 3 - Cannery Avenue/Cannery Loop Roundabout



Questions have also been raised about the viability of the farming operation if the road was connected to the Village Farms project. It is true that the buildings used by the farmer would be separated by the road from their field located to the north. While this is not ideal, it is also not a significant hinderance. The amount of traffic using this connection is low, thereby providing ample opportunity to safely cross the street when needed.

Based on the Transportation Commission's and the Planning Commission's feedback, as well as direction from the City Council, Staff and the Planning Commission recommend approval of Exhibit G, as presented.

Figure 4 - Cannery Farm & Surrounding Area

EXHIBIT H AGRICULTURAL CONSERVATION

As currently drafted, the Agricultural Features exhibit is generally unchanged since the Exhibit was presented to the Planning Commission and the City Council at the respective workshops.

The Agricultural Conservation Exhibit vests the project for the term of the DA in the City's current Right to Farm and Farmland Preservation Code (DMC Chapter 40A). The Exhibit also summarizes the approximate acreage amounts for the various categories of urban development and proposed General Plan Land Use designations. The Exhibit incorporates several graphics that help to define the Exhibit's terms through illustration.

Agricultural Mitigation Requirements

The developer commits to preserve agricultural land consistent with the requirements of the Municipal Code for agricultural land mitigation. Agricultural land shall be preserved at a ratio of two acres preserved for every acre of agricultural land changed from an agricultural use to a non-agricultural use as part of the Project (2:1 ratio). As shown on Attachment H-1, 332-acres are proposed to be converted to a non-agricultural use. Accordingly, Developer is required to provide 664 acres of agricultural mitigation land in accordance with Chapter 40A. At City's request, Developer shall not include agricultural land it owns or controls north of the Project site in its ag land mitigation proposal to the City unless that land is north of County Road 29. Developer will record the required agricultural conservation easements required by Article 40A.03 prior to issuance of any grading permits.

Areas Excluded from Agricultural Mitigation Requirements

Three areas are identified as excluded from the requirement for agricultural mitigation: the Urban Agricultural Transition Area (UATA), the Open Space Preserve, and the Northern Agricultural Area.

Consistent with Chapter 40A, the 200-foot wide UATA comprised of the 150-foot agricultural buffer and the 50-foot agricultural transition area, totaling approximately 11.3 acres, are exempt from agricultural mitigation requirements. The Exhibit stipulates the terms of the ownership transfer to the City and the required improvements and the timing of the construction of the improvements within the UATA.

The Exhibit describes the Open Space Preserve (aka the Preservation Area) that contains an identified alkali playa/alkali wetland complex and is under the jurisdiction of state and federal regulatory authorities. The Exhibit contains terms regarding the permanent protection of the Preservation Area and thus the Area is exempt from agricultural land mitigation requirements. To secure the benefits of this exclusion from agricultural mitigation fees, this Exhibit stipulates that the Developer shall comply with the requirements of Exhibit O of the DA.

The Northern Agricultural Area (NAA or "Ag Parcel") is described in the Exhibit. It will be annexed into the City in accordance with a pre-designation and pre-zoning that allows

the continued use of the property as agricultural land. The Ag Parcel will remain in private ownership with all costs of maintenance and operation to be borne by the landowner. The area will consist primarily of an excavated basin area with depths ranging from approximately eight (8) to ten (10) feet below original grade and a flat but gently sloping bottom designed to support agricultural use. Farm access ramps will be constructed to allow vehicular and equipment access into the basin area. The existing farm access road around the perimeter of the basin will be replaced or improved as part of the Project.

The Exhibit further describes how the Ag Parcel will be restored to active agricultural use post-excavation. As outlined in the Exhibit, the topsoil, removed prior to excavation, will be replaced. The terms include the requirement of a soil Restoration Plan, a Farm Plan, and a Topsoil Management Plan. Post-deposition of the top soil, the Ag Parcel shall be returned to agricultural use as documented per the required Restoration Plan after five years. If the Ag Parcel is confirmed to be viable for agricultural use consistent with Chapter 40A, the Developer shall not be obligated to provide ag mitigation for the area, since it was returned to ag uses.

Pursuant to the restoration terms, the Ag Parcel would be exempt from the City's agricultural mitigation requirements to the extent that it remains in an agricultural use as defined by Code Section 40A.03.020. In the event the Ag Parcel is can no longer support agricultural use after the restoration attempts, the Developer will mitigate the loss of agricultural area pursuant to the City's code requirements.

Based on the Open Space and Habitat Commission's and the Planning Commission's feedback, as well as direction from the City Council, Staff and the Planning Commission recommend approval of Exhibit F as presented.

EXHIBIT I PARKS, GREENBELTS, AND OPEN SPACE

As currently drafted, the Parks, Greenbelts, and Open Space Exhibit has been refined since the Exhibit was presented to the Planning Commission and the City Council at the respective Workshops. Timing requirements, phasing triggers, and programming stipulations have been added to the Exhibit. Minor clarifying edits have been happened since the Planning Commission recommended approval of the project to City Council.

Exhibit I outlines the Project's commitments regarding approximate park and greenbelt acreage, but does not commit to the locations of the parks and greenbelts. Final design and layout of the Project will occur with the preparation and processing of the subsequent tentative subdivision maps. The Exhibit also outlines the timing of the construction of the park and greenbelt improvements, tied to numbers of building permits. While not a Quimby Act stipulation, the City has applied a "level of service" formula based on the Quimby rule for number of acres of park per capita to ensure the parks are phased with the construction of housing. Exhibit I provides the Project's commitments related to the dedication of park and greenbelt land and the satisfaction of Quimby fees requirement through the parkland dedication. Finally, the Exhibit specifies

how the parks programming will be executed and what the greenbelt construction specifications will be. The Exhibit incorporates a graphic to illustrate preliminary concepts for the parks.

Based on the Recreation and Parks Commission's and the Planning Commission's feedback, as well as direction from the City Council, Staff and the Planning Commission recommend approval of Exhibit I as presented.

EXHIBIT J URBAN FOREST AND LANDSCAPE

As currently drafted, the Urban Forest exhibit is generally unchanged since the Exhibit was presented to the Planning Commission and the City Council at the respective workshops.

Exhibit J applies to City-owned trees within the Project, including the Natural Habitat Area, if the City is designated as the permanent owner of that conservation area. City-owned trees are those within the public portions of the project as defined in the Exhibit. The Exhibit provides the Project's commitments towards a climate ready tree palette and water conservation; compliance with Chapter 37 of the Municipal Code and preservation of existing private/protected trees; and the planting of up to 4,000 new trees throughout the Project and the provision of shade. Additionally, the Exhibit provides the Developer's commitments to hire a qualified arborist and/or landscape architect to design the landscape within the public portions of the Project. This Exhibit also spells out the ownership, maintenance and funding for permanent maintenance of the public portions of the Project.

Based on the Climate and Environmental Justice Commission's and the Planning Commission's feedback, as well as direction from the City Council, Staff and the Planning Commission recommend approval of Exhibit J as presented.

EXHIBIT K PUBLIC PROPERTY AND RIGHT-OF-WAY LANDSCAPE

The Public Property and Right-Of-Way Landscape Exhibit was not presented to the Planning Commission or the City Council for the respective workshops because its language was eventually separated out as a discreet Exhibit from the Urban Forest Exhibit through the course of the DA negotiations. This Exhibit clarifies obligations related to operations and maintenance and staff did not need to seek feedback on the terms within this Exhibit.

Exhibit K applies to public property and public rights-of-way within the Project except the Parks, Natural Habitat Area, and the Northern Agricultural Area. Public portions of the Project are defined consistently with the Urban Forest Exhibit. The Project commitments entail water conservation, use of climate ready plants, and implementation of Low Impact Development measures. This Exhibit also spells out the ownership, maintenance and funding for permanent maintenance of the landscaping in the public portions of the Project.

Staff and the Planning Commission recommend approval of Exhibit K as presented.

EXHIBIT L IMPACT FEES, CREDITS, AND MUNICIPAL FINANCING

On September 30, 2025, the City Council provided direction regarding the development impact fee structure for Village Farms and other peripheral development proposals. At that time, Exhibit L was in an early draft form. The staff report for this meeting is available here.

As currently drafted, Exhibit L has been revised since the Exhibit was presented to the Planning Commission and the City Council at the respective workshops. Although not within the purview of the Planning Commission, the Impact Fees, Credits, and Municipal Financing Exhibit L ("Financing Exhibit") was included as part of the total draft DA document and to provide reference and context to the Planning Commission as they considered the DA in its entirety and voted to recommend approval of the project.

Since the Planning Commission took action to advance the project, refinements were agreed to by the parties, mainly regarding timing of the completion of the Anticipated Nexus Study and clarifications concerning certain traffic-related improvements and fee-credits or reimbursements for certain improvements. Other minor revisions have to do with the provision of parkland and fair share costs attributable to wet utilities.

Important terms from within other Exhibits are cross referenced to the Financing Exhibit which provides the specific details about the nature and timing of the Project's financial obligations, as well as those of the City. Many of the public comments received on the Project have expressed concerns regarding how the Project will be paid for and also to what extent the City could be obligated to underwrite the required improvements and ongoing maintenance. The Financing Exhibit ensures that the financial obligations of the Project are clear and enforceable throughout the term of the DA and the terms applicable to the City obligations are equally clear.

Exhibit L establishes the parameters for funding, dedication of rights-of-way, fair share cost allocations for certain improvements, and those obligations for which the Developer is solely responsible.

Planning Commission recommended approval of the draft Exhibit and Staff recommends approval of the Impact Fees, Credits, and Municipal Financing Exhibit L, as currently drafted.

EXHIBIT M INFRASTRUCTURE PHASING PLAN

At the time of the December Planning Commission public hearing, negotiations on Exhibit M were not yet complete. However, a draft phasing diagram was provided. The diagram graphically presents the sequencing of the construction of the Project in phases. Since the Planning Commission hearing, the City and the applicant have reached agreement that Exhibit M will consist of the phasing diagram (with no

associated narrative) and how the diagram will be interpreted for purposes of the DA. The intent is not to constrain the normal processing and sequencing of the Project as the subsequent tentative subdivision maps are processed. These provisions stipulate what infrastructure improvements would be provided and when as the project is entitled or developed.

The sequencing as represented in the diagram programs when certain off-site and on-site improvements must be constructed as components of certain portions of the project. These improvements include such things as mass grading of the Project site, road improvements, greenbelts, parks, and traffic operation improvements. Other Exhibits within the DA impose when certain infrastructure-related (e.g., transportation related) studies are required and the deadlines by which the additional analysis must be provided to the City.

Staff and the Planning Commission recommend City Council approval of Exhibit M, as currently drafted.

EXHIBIT N WETLAND PRESERVATION FEATURES

As currently drafted, the Wetland Preservation Exhibit has been refined since the Exhibit was presented to the Planning Commission and the City Council at the respective Workshops. While the terms were generally presented previously, in the current draft, which the Planning Commission considered, milestones and performance requirements are provided, including more details regarding ownership and maintenance.

Exhibit N provides for the establishment, management, maintenance, and funding responsibilities of the approximately 47.1-acre playa/alkali wetland area as a permanent preserve through the recordation of a conservation easement against the area illustrated in the Attachment N-1. The easement holder will be responsible, in perpetuity, for (i) the management of the Preserve as set forth in the Management Plan (which management may be contracted out by the Easement Holder to a professional land manager) and (ii) monitoring compliance with the terms of the Conservation Easement. The Easement Holder’s responsibilities will be funded by Developer through the establishment of an endowment or endowments adequate for that purpose.

Staff and the Planning Commission recommend approval of the Wetland Preservation Exhibit N, as presented.

EXHIBIT O COMMUNITY BENEFITS

This exhibit was presented as an early draft at the Planning Commission and City Council Workshops as the terms were still being negotiated and the placement of these Project features and commitments determined within the structure of the DA.

Community Benefits are voluntary contributions to the community proposed by the developer that are not requirements of the Project and they will not be included as conditions of approval for subsequent discretionary approvals. These commitments are enforced through the approval by the voters of the Baseline Project Features.

While the City is not a party to some of these Community Benefits, the City does retain, through these terms, enforcement capability to ensure good faith efforts are made by the Developer to deliver these offerings.

Note that the Down Payment Assistant Program (DPAP) has been removed from Exhibit O, as this program is now being negotiated between the Davis Joint Unified School District (DJUSD) and the Developer, separately from the DA between the City and the Developer. Because the DPAP is a program to be created with the DJUSD and is not within the DA, the City will have no enforcement mechanism or responsibility for the DPAP.

The Community Benefits Exhibit O summarizes the six (6) Project commitments that are beyond the requirements placed on the Project through either the mitigation measures applied to the Project via the Environmental Impact Report or as the Project is subject to compliance with any existing code, standards, or specification. This Exhibit also obligates the Developer to implementation and monitoring to ensure these commitments are realized during the Project development.

The six Community Benefits are:

1. Land Dedication to the Davis Joint Unified School District
2. All Electric Buildings
3. Sales Tax Place of Sale
4. Excess Stormwater Capacity
5. Picasso Road Traffic Calming
6. Grade-Separated Crossing of Covell Blvd. to the Oak Shade Shopping Center and Local Schools

Staff and the Planning Commission recommend approval of the Community Benefits Exhibit O, as presented.

VII. ENVIRONMENTAL REVIEW

Overview

An Environmental Impact Report (EIR) (SCH #2023110006) was prepared for the Village Farms Davis Project, in accordance with the California Environmental Quality Act (CEQA). The VFD Draft EIR (DEIR) evaluates the potentially significant environmental impacts of the Project, includes feasible mitigation measures to reduce significant impacts, and identifies the significant and unavoidable impacts of the Project. The DEIR was circulated for a public review period that exceeded the required 45-days from January 7 to February 25, 2025. The public review included a public meeting by the Planning Commission on February 12, 2025. Verbal comments from the meeting

were summarized and included as part of the DEIR public comments. Over 200 public comments were received. Of these, nine were from state and local responsible agencies, including Caltrans, Yolo County, LAFCo, Davis Joint Unified School District, Yolo Transportation District, and Yolo Habitat Conservancy, to name a few. Approximately half of the public comments received were project comments rather than CEQA-related comments. A CEQA-related comment is one that discusses the adequacy of the environmental analysis conducted in the published DEIR. Both EIR and CEQA-related comments were compiled after the closure of the DEIR 45-day review period. A Final EIR (FEIR) has two purposes: to respond to public comments, as well as make any minor revisions to the Project Description that do not materially change the analysis of potential impacts nor require a re-circulation of the DEIR. The FEIR responds to the CEQA-related comments. The Draft EIR and all the comments received are available at the Village Farms Davis project page (CEQA Documents and Information drop down panel).

In October 2025, new information became available related to the City's overall Wastewater Treatment Plant (WWTP) capacity. Preliminary results from an ongoing study that is still underway revealed that the wastewater treatment system is approaching capacity sooner than anticipated, in large part due to the City's successful water conservation efforts. While the system is performing efficiently, changes to the composition of the wastewater and new assumptions about treatment necessitate modifications to the WWTP to ensure continued reliable service for years to come. The study is anticipated to be completed in early 2026 and then staff will facilitate a discussion with the City Council and community about next steps. It is important to note that there is no immediate concern for current service needs of the existing population. However, this information must be taken into consideration to ensure the WWTP has available capacity to treat the existing customer base while maintaining existing infrastructure. It should also be noted that the proposed project is not the cause of the needed modifications.

In advance of the Planning Commission public hearing to consider the project, a 'partial draft of the responses to comments on the previously circulated DEIR' (RTC) was made available to the Planning Commission and the public on November 21, 2025. The RTC is provided on the project webpage here, under the 'November 21, 2025 Update' near the top of the page. The City has elected to publish this partial draft of the responses to comments on the DEIR as a measure of transparency to the public and to assist the Planning Commission with its review of the project and making recommendations to the City Council. Under CEQA, it is legal for the Planning Commission to take action on a draft of the environmental document. (CEQA Guidelines § 15025(c))

Furthermore, it is important to note, in light of this new information, through no fault of the Village Farms applicant or as a result of the proposed project, the Village Farms DEIR required a revision and partial recirculation to reflect the new information the City received regarding wastewater capacity. The City emphasizes this point, the Village Farms Davis development proposal is not responsible for the capacity concern nor did the project itself trigger the need for the recirculation. CEQA provides a process for

handling information that comes to light after a DEIR is circulated for public comment but before it is certified, and for addressing uncertainties in terms of potential impacts. While the City is confident that the newly identified concern regarding the WWTP can be addressed in the coming years, CEQA requires that the City revise the analysis and findings in the DEIR to be consistent with the City's latest, independent findings and recirculate the relevant portions of the DEIR for public review. The recirculated chapters include Chapter 2 – Executive Summary, Chapter 4.14 – Utilities and Service Systems, Chapter 6 – Statutorily Required Sections, and Chapter 7 – Alternatives Analysis.

CEQA Guidelines Section 15088.5 describes the recirculation process. Once the DEIR has been revised to include an updated analysis, the City would publish the revised portions of the DEIR and circulate for review and public comment for 45 days. The City does not have to open the entire DEIR to a second set of public comments and therefore can request that reviewers limit the scope of their comments to only the revised portions. After 45 days, the City would respond to comments received (on the revised portions only), as well as all comments received in the first circulation of the DEIR on the portions not revised and recirculated. (CEQA Guidelines § 15088.5(f)(2)).

Accordingly, the public review and comment period on the partially recirculated DEIR (RDEIR) commenced on November 17, 2025 and closed at 5 p.m. on Friday, January 2, 2026. The Notice of Availability (NOA) was published with the State Clearinghouse, filed with Yolo County Recorder's Office, mailed to more than ten local, regional and state agencies, several local and regional organizations, and residents and tenants within 500 feet of the project site, emailed to the DEIR commenters, published in the Davis Enterprise, and posted on the project webpage, exceeding the CEQA requirements for public notification. Public comments on the RDEIR were compiled and reviewed by staff and Raney Planning and Management (Raney), the City's CEQA consultant for this project.

While not the typical sequencing for approval of an EIR in the City's past practice, under CEQA, the Planning Commission legally can make a recommendation on the project and on certifying the EIR based on the DEIR rather than having a final EIR with completed responses to comments to review. (CEQA Guidelines § 15025(c))

The FEIR presented herein includes both the partial draft of the responses to comments on the DEIR, the additional analysis and mitigation related to wastewater treatment as presented in the RDEIR, and responses to the public comments on the RDEIR. As required by CEQA, notice of public hearing for the FEIR was published at least 10 days prior to the City Council public hearing at which the Council would consider taking action to certify the EIR and approve the project.

To summarize, the FEIR consists of the DEIR and the RDEIR, public comments on the DEIR and the RDEIR, responses to all public comments received, minor corrections, and clarifying information.

CEQA also requires a Mitigation Monitoring and Reporting Program (MMRP), as well as a Statement of Overriding Considerations (SOC) and Findings of Fact (FOF). These three documents are included as part of the related documents provided with the FEIR for Council consideration. See Attachment 3 for the full draft Resolution certifying the EIR.

A summary of the environmental analysis and findings from the Project EIR, as published, is provided below with links to associated documents.

Draft Environmental Impact Report
The originally circulated DEIR is available as one consolidated document and as individual chapters at the project website, on the CEQA Documents and Information drop-down menu:

Village Farms Davis | City of Davis, CA

Alternatives and Preferred Project
The DEIR evaluated the VFD Project, as originally proposed, as well as an equal weight alternative (EWA) for the Biological Resource Preservation Alternative (BRPA). An Equal Weight Alternative is a modified project design that substantially lessens or eliminates the significant environmental effects of a project, while still achieving most or all of the project objectives, and has been analyzed at the same level of scrutiny as the proposed project. Other alternatives, including the No Project alternative, received a "qualitative" or comparative assessment rather than a full analysis. It should be noted that the BRPA is the applicant's preferred Project for which approvals are sought. This approach including the preferred BRPA was clearly laid out in the DEIR, the associated documents, and DEIR review.

Significant Impacts and Mitigation
The DEIR analyzed the impacts of the proposed Project and the BRPA and identified mitigation measures which would be implemented as part of the BRPA to reduce potential adverse impacts. Table 2-1 in the DEIR Chapter 2 Executive Summary (2_Executive Summary) provides a summary of the evaluated impacts from each technical chapter and mitigation measures for both the Proposed Project and the BRPA. The table includes the level of significance of each impact, any mitigation measures feasible or required for each impact, and the resulting level of significance after implementation of mitigation measures for each impact. The mitigation measures required for the BRPA, as presented in the DEIR, form the basis of the Mitigation Monitoring and Reporting Program. Any impact that remains significant after implementation of mitigation measures is considered a significant and unavoidable impact.

The DEIR found that impacts related to Biological Resources were less than significant for the equal weight alternative, BRPA, while the same impacts were significant and unavoidable for the proposed project. The DEIR also found that impacts to Cultural and Tribal Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and

Water Quality; Land Use and Planning; Public Services and Recreation; and Wildfire, were less than significant or less than significant level with the mitigation. However, the DEIR determined that even with mitigation, impacts related to Aesthetics; Agricultural Resources; Air Quality, Greenhouse Gas (GHG) Emissions, and Energy; Noise; Population and Housing; Transportation; Utilities and Service Systems, would remain significant and unavoidable.

Statutorily Required Sections

Chapter 6 of the DEIR provides a discussion of required impacts that include growth-inducing impacts, a summary of cumulative impacts, and significant irreversible as well as significant and unavoidable environmental changes associated with the project. It notes the significant and unavoidable impacts for the above topic areas.

Alternatives Analysis

Chapter 7 of the DEIR addresses the alternatives analysis as required by CEQA. The purpose is to provide a range of reasonable alternatives to the project which would feasibly attain most of the project objectives, but avoid or substantially lessen any of the significant effects. As noted above, the BRPA was evaluated as an equal weight alternative. Accordingly, the BRPA analysis is found in all the technical chapters along with the analysis of the proposed Project. Additional Alternatives that are analyzed in this chapter include:

- No Project (No Build) Alternative;
- Lower Number of Units – Same Footprint Alternative;
- Agricultural Resource Preservation Alternative;
- Higher Number of Units – Same Footprint Alternative; and
- Off-Site Project Alternative

The chapter provides a general description and analysis of these various alternatives that is sufficient to meet CEQA requirements and to aid in understanding the effects of the BRPA and the proposed project.

CEQA requires that the analysis identify the environmentally superior alternative, which is generally considered to be the alternative expected to generate the least number of significant impacts. As noted in the DEIR, the identification of the environmentally superior alternative is for informational purposes and the alternative selected may not be the alternative that best meets the goals or needs of the City. Also, when the “no project” alternative is the environmentally superior alternative, the DEIR must also identify one of the other alternatives.

For this project, where the impact on per capita VMT is considered a priority issue, the environmentally superior alternative is the Higher Number of Units – Same Footprint Alternative. As detailed in the DEIR, this alternative would meet most of the basic project objectives and result in fewer impacts than the BRPA Alternative when considering VMT impacts. Specifically, the significant and unavoidable project impact related to transportation would not occur under the Higher Number of Units – Same

Footprint Alternative due to the reduction in per capita VMT impacts from the density increase.

Table 7-1 in the DEIR Chapter 7 Alternative Analysis (7_Alternatives Analysis), Comparison of Significant Environmental Impacts for Project Alternatives, provides an impact-specific comparison of each of the project alternatives.

Partially Recirculated Draft EIR
The Partially Recirculated Draft EIR (RDEIR) is consolidated in one document on the project webpage, on the CEQA Documents and Information drop-down menu:

- Village Farms Davis_Partially Recirculated DEIR

Related references and updates were added to other chapters for consistency and include the Executive Summary (Chapter 2) and Alternatives Analysis (Chapter 7).

Additional Wastewater Treatment Facility Discussion & Partial Recirculation of Draft EIR
Based on supplemental city information, the City determined that additional discussion of the City's wastewater treatment facility capacity was warranted. The supplemental analysis is provided in Chapter 4.14 (Utilities and Service Systems), which preliminarily found that improvements to the City's wastewater treatment facility are needed to accommodate existing treatment requirements and future expected development. It includes a new mitigation measure for the developer to pay their fair share towards improvements at the wastewater treatment facility to ensure adequate capacity under the cumulative scenario.

In accordance with CEQA, recirculation is required prior to certification if there is additional data or other information that results in revisions to the EIR or mitigation measures that warrant the opportunity for additional public comment. When the EIR is only revised in part, CEQA allows for the recirculation and any new comments to be limited to the revised chapters or portions of the EIR. In accordance with CEQA, the revised sections related to the additional discussion of the wastewater treatment plant capacity and new mitigation measure were recirculated and publicly noticed for a 45-day public comment period ending on January 2, 2026.

Comments on the Partially Recirculated DEIR
Comments were accepted on the recirculated sections of the DEIR through January 2, 2026 at 5:00 p.m. Responses to these additional comments are provided with the FEIR, as discussed further in the following section. As anticipated, the additional comments that were submitted on the recirculated DEIR did not raise any new significant issues or impacts that required any further analysis or recirculation.

Partial Draft Responses to Comments on the DEIR
As noted previously, pursuant to CEQA, the partial draft Responses to Comments on the previously circulated DEIR is not legally required to be published. However, the document was made available to the public and the Planning Commission to provide

the maximum possible transparency while a portion of the DEIR was being recirculated. The City elected to release this document to allow the public and the Planning Commission to review draft responses during the comment period for the Partially Recirculated DEIR in preparation for the Planning Commission's public hearing. The release of this document, in combination with the partially recirculated DEIR, ensured that the majority of the EIR document that would be released as the Final EIR was available to the Planning Commission and the public before the FEIR was completed.

The Partial Draft Responses to Comments (RTC) on the Previously Circulated DEIR consists of the following sections:

- Village Farms Davis Partial Draft RTCs to DEIR
- Village Farms Davis Partial Draft RTCs to DEIR - Appendices

The City is not required under CEQA to accept or respond to additional public comments on the Partial Draft Responses to Comments on the DEIR.

Public Comments

Comments received on the previously circulated DEIR and on the partially recirculated DEIR are provided in the FEIR, as required by CEQA. They include comments received from the general public as well as those from agencies and organizations. As noted in the FEIR, many of the early commenters raised similar concerns regarding the Proposed Project and/or the Biological Resources Preservation Alternative (BRPA), including concerns about groundwater contamination, stormwater drainage and the existing FEMA floodplain, traffic and alternative transportation, and the size and density of the project particularly related to other identified project alternatives. Comments received on the recirculated DEIR were focused on the wastewater treatment plant capacity, the timing and validity of the recirculated DEIR. For all these concerns and others, expressed by many commenters, the City has prepared master responses. Through master responses, the City can address the common topics in a comprehensive manner and without duplication in the individual responses. The following is a list of general topics with a master response:

- Master Response 1: Non-CEQA Comments
- Master Response 2: Alternatives
- Master Response 3: Hazards
- Master Response 4: Drainage and Flooding
- Master Response 5: Transportation
- Master Response 6: Grade-Separated Crossings
- Master Response 7: Biological Resources
- Master Response 8: Partially Recirculated Draft EIR Public Comments
- Master Response 9: Wastewater Treatment Capacity

Each comment letter with a response to the comments is also provided. In some cases, the response cites the master response that addresses the issue and in others, where the same comment is raised by multiple commenters, the responses will refer to the

response provided to the initial commenter. Staff believes that the entirety of the comments received are adequately addressed, as provided in the FEIR and that the comments did not raise any new issues or impacts that would substantially alter the EIR analysis or require recirculation.

Final EIR
The Final EIR (FEIR) is available as one consolidated document and as individual chapters at the project website, on the CEQA Documents and Information drop-down menu:

Village Farms Davis | City of Davis, CA

In addition to responses to all comments as described above, the FEIR includes required elements as discussed below and was provided to the public for review in accordance with CEQA requirements.

Minor Corrections and Clarifications
The FEIR contains some additional minor corrections and modifications and clarifying information that do not substantially change the analysis or require recirculation.

Significant and Unavoidable Impacts
An EIR is an informational document that discloses and evaluates a project's environmental effects. Significant impacts that cannot be reduced to a less than significant level with mitigation are identified as significant and unavoidable. In accordance with CEQA, the decision-making body in determining whether to approve a project should consider whether the unavoidable adverse environmental effects are acceptable compared to the various project benefits. Approval of a project with significant and unavoidable impacts requires adoption of a statement of overriding considerations that details the rationale for approving the project despite the environmental impacts.

EIR Certification and Statement of Overriding Considerations
CEQA requires certification of the FEIR by the City before the Project may be approved. Staff finds that the Final EIR was prepared consistent with CEQA and adequately analyzes the Project's environmental impacts. At Attachment 3, Staff has provided a draft resolution for the City Council to adopt CEQA findings, a statement of overriding considerations, and a mitigation monitoring and reporting program, and to certify the Final EIR.

VIII. MEASURE J/R/D – ELECTION

As required by Municipal Code Chapter 41 – Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands, the City Council, if it takes action to certify the EIR for the project and approval of the entitlements, would also need to take action on the Resolutions to call for and consolidate a special election on the June 2026 statewide

primary election, thus submitting the project to the voters. Draft resolutions for this purpose are provided as Attachments 7 and 8.

IX. ATTACHMENTS

1. Project Timeline Milestones
2. Project Correspondence Received during FEIR comment period
3. RESOLUTION OF CITY COUNCIL OF THE CITY OF DAVIS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING PLAN FOR THE VILLAGE FARMS DAVIS PROJECT
4. RESOLUTION OF THE CITY OF DAVIS STATING ITS INTENT TO AMEND THE CITY OF DAVIS GENERAL PLAN LAND USE ELEMENT TO ELIMINATE THE GENERAL PLAN LAND USE POLICY ACTION LU.1.1 e. AND TO AMEND THE CITY OF DAVIS LAND USE MAP TO DESIGNATE THE PARCELS LOCATED NORTH OF COVELL BLVD, WEST OF POLE LINE ROAD AND EAST OF F STREET WITH CITY OF DAVIS LAND USE DESIGNATIONS
5. AN ORDINANCE AMENDING SECTION 40.01.090 OF CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE BY PREZONING APPROXIMATELY 497± ACRES (Assessor's Parcel Numbers (APNs) 035-970-033 and a portion of 042-110-029) LOCATED NORTHWEST OF THE INTERSECTION OF COVELL BOULEVARD AND POLE LINE ROAD, TO PLANNED DEVELOPMENT (PD) #1-23 UPON ANNEXATION TO THE CITY OF DAVIS AS OUTLINED IN SECTION 40.01.110 OF CHAPTER 40 OF THE DAVIS MUNICIPAL CODE
6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS APPROVING THE DEVELOPMENT AGREEMENT FOR THE VILLAGE FARMS PROJECT
7. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2026 FOR SUBMISSION TO THE VOTERS A MEASURE TO MODIFY THE LAND USE DESIGNATIONS OF THE VILLAGE FARMS DAVIS PROPERTIES AND ESTABLISHING BASELINE PROJECT FEATURES
8. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2026, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

Attachment 1
City Council Staff Report – January 20, 2026
Village Farms Davis Project
Application Processing Milestones

The applicant submitted the Village Farms Davis project application in April of 2023. In spring of 2023, the City Council directed staff to begin review and processing the application with the intent of allowing City Council the opportunity to review and, if approved by Council, place the VF Proposal before the voters, pursuant to Measure J/R/D. The following are milestones of the application processing timeline as of the publication of this report:

- December 2023: Council provided direction on the project's EIR alternatives.
- April 2024: Applicant determines that the Biological Resource Preservation Alternative (BRPA) is the preferred project and asked to analyze it as an equal weight alternative in the EIR.
- November 2024: BRPA project materials submitted to the City for the preferred project.
- January-February 2025: 45-day DEIR public review period.
- March 2025: the VF Proposal reviewed by the Fiscal, Recreation and Parks, and Climate and Environmental Justice Commissions.
- April 2025: Development Agreement negotiations commenced.
- August and September 2025: the VF Proposal reviewed by the Open Space and Habitat and Social Services Commissions.
- October 11, 2025: updated BRPA project materials submitted to the City.
- October 13, 2025: the VF Proposal was reviewed by the Transportation Commission in combination with the Willowgrove project.
- October 22, 2025: the VF Proposal was presented as a Workshop at a public meeting of the Planning Commission.
- November 4, 2025: the VF Proposal was presented as a Workshop at a public meeting of the City Council.
- November 17, 2025: the partially recirculated DEIR was released for a 45-day public review period that ends on January 2, 2026.
- November 25, 2025: public availability of the partial draft response to comments (not including the recirculated portions of the DEIR-see discussion under Environmental Review section below).
- December 2, 2025: the public hearing for the project was continued to a date certain, December 17, 2025, to allow the Development Agreement (DA) negotiations to conclude prior to the Planning Commission considering the DA.
- December 16, 2025: the proposed Affordable Housing Plan was presented as a Workshop at a public meeting of the City Council.
- December 17, 2025: Planning Commission conducted a public hearing to consider and take action on moving the project forward to City Council.
- January 13, 2026: the proposed amended Affordable Housing Plan was presented as a Workshop at a public meeting of the City Council.

Attachment 2
City Council Staff Report - January 20, 2026
Village Farms Davis Project
Public Project Comments Received During the FEIR Comment Period

California Center for Cooperative Development
979 F Street, Suite A, Davis, CA 95616
Phone: 530-297-1032 Fax: 530-297-1033
Email: coops@cccd.coop Web: www.cccd.coop

TO: City of Davis, CA
FROM: California Center for Cooperative Development, a charitable non-profit
RE: Public Comment: Village Farms Davis Project

Our non-profit has reviewed the EIR and project description and welcomes the opportunity for this project to expand homeownership opportunities for low and moderate income households in Davis. We submit that the incorporation of a limited equity housing cooperative should be designed for households with incomes up to 120% or 140% AMI.

We have concerns about the density of the footprint and encourage a larger land dedication for the LEHC or a reduction in the number of units to allow sufficient space for building community and amenities, including a community room, community garden, and a modest private outdoor area for each household.

Below we provide a summary of the LEHC and reasons that the model should be an important component of the development.

Overview: Limited Equity Housing Cooperative (LEHC)

A Housing Cooperative is a democratically controlled corporation established to provide housing for members. Each household purchases/owns a share in the corporation, which entitles the member to occupy a particular home. Typically, the cooperative is financed through a *blanket mortgage* that covers the entire property (rather individual household mortgages), and members pay monthly carrying charges to cover mortgage payments and operating expenses.

A Limited Equity Housing Cooperative is structured to provide a home ownership opportunity that incorporates long-term affordability, an opportunity to build home equity, and democratic control, while offering members stable housing and monthly payments.

LEHCs offer permanently affordable homeownership opportunities for household members. The LEHC is often funded with a combination of private and public funds. Each member owns a share and households may not own more than one share. The share price, or cost to buy in to the cooperative, is considerably lower than a typical mortgage down payment, making ownership affordable for those priced out of the single-family home market. To further preserve affordability and prevent speculative resale, price restrictions are put on the sale of shares when a member leaves the cooperative.

California legislation recognizes and regulates limited-equity housing cooperatives. This legislation assures the long-term affordability of shares by limiting share price increases to no more than 10% per year and mandates that any profits from a sale of the entire cooperative be dedicated to public or charitable entities.

Instead of owning an individual home, members own a share in the corporation. When a member enters or leaves the cooperative, the transaction comprises the purchase and sale of that share which is

separate from the mortgage that finances the entire development. Share pricing is specified in the coop's bylaws and policies and usually varies by the type of unit the member occupies (e.g., the share price of a one-bedroom home will be less than that of a three-bedroom home). While the blanket mortgage finances the cooperative corporation, member shares are generally financed through a personal loan known as a share loan.

Why a Limited Equity Housing Cooperative Should be Incorporated into the Village Farms Project

Affordable Ownership Opportunity

Davis single family home prices are too high for most community workers and young households, particularly those with families. LEHCs are designed for low and moderate income households. LEHCs:

- Address barriers to traditional homeownership
- Encourage positive resident outcomes. Research shows that outcomes associated with home ownership are encompassed in LEHCs:
  - minimizes negative housing externalities such as crime
  - positive long-term outcomes for children
  - improved civic participation

Housing Security

LEHC ownership shields members from the vulnerabilities of renting such as rent increases, maintenance irregularities, and displacement if a landlord sells or decides to terminate the lease. The cooperative operates at cost, and the board, elected by members, hires and oversees management and finances. Consequently, the monthly "carrying charge" – the member's portion of debt service and operating costs – is significantly less than comparable rental or mortgage payments, especially when replacement and maintenance costs are factored in.

Asset Building

While most LEHCs allow for equity accumulation, it is limited in order to maintain affordability over time. In addition to limited equity, asset-building opportunities in the LEHC come through reduced housing costs. Low monthly costs allow LEHC members to redirect savings from reduced housing costs to diverse uses, including saving for a traditional single-family home.

The LEHC is a Good Model for the City of Davis and the Community because it:

- Creates affordable home ownership that continues over time and does not require ongoing monitoring and subsidy
- Reduces public expenditures: A one-time public investment continues from one owner to the next through equity appreciation limits that maintain affordability over time
- Out-performs other forms of homeownership and housing assistance. Even during economic downturns, LEHCs experienced lower foreclosure rates than other forms of homeownership. They also have high rates of longevity and effective operations.

We welcome the opportunity to provide additional information about limited equity housing cooperatives and to respond to questions or concerns.

In Cooperation,

E. Kim Coontz, Executive Director

Subject: Village Farms: Comments on Draft EIR
Sent: 1/2/2026, 4:01:54 PM
From: Nathaniel Ellis<nathanielmail@gmail.com>
To: Dara Dungworth
Cc: Donna Neville

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Staff Follow Up, VFD Project Comment

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

Dear Dara Dungworth,

I am writing to you today as a resident of Davis to express my opposition to the **Village Farms** development proposal. While I recognize the need for thoughtful housing solutions, the current trajectory of this project is characterized by procedural shortcuts, a disregard for proven environmental alternatives, and a reliance on a developer with a documented history of failing to meet community obligations.

I am particularly alarmed by the **unseemly haste** with which this project is being fast-tracked for the June 2026 ballot. The Planning Commission's recommendation to certify the EIR on December 17, 2025—while critical wastewater data was still being recirculated for public comment—undermines the transparency and rigor the Davis community expects and deserves.

1. Omission of the Environmentally Superior Alternative

The current EIR is fundamentally flawed because it omits a previously identified, less-impactful alternative: **limiting development to the area South of Channel A.**

By failing to analyze a reduced-footprint alternative that stays south of this existing drainage channel, the City is ignoring a "middle path" that would:

- Maintain a robust agricultural buffer to the north.
- Significantly increase the distance between future residents and the **Old Davis Landfill** (and its associated PFAS/arsenic risks).
- Reduce the sheer volume of fill dirt required, thereby mitigating the risk of displacing floodwaters into neighboring properties.

The exclusion of this environmentally superior alternative suggests a process designed to accommodate the developer's maximum yield rather than the community's environmental safety.

2. A Pattern of Unkept Commitments

The City must not ignore the developer's track record of "delayed or disappeared" infrastructure. History is our best teacher, and the precedent set by **The Cannery** (North Davis Land Company/Tandem Properties) is deeply concerning:

- **Failure to Provide Grade Crossings:** For years, the promised grade-separated bicycle and pedestrian crossings at The Cannery remained unbuilt, long after residents had moved in. This forced the community to engage in prolonged advocacy for infrastructure that was supposed to be a fundamental condition of approval.
- **Vague "Feasibility" Language:** In the current Village Farms proposal, the **F Street overcrossing** and **Pole Line Road undercrossing** are described with non-committal language. Given the history of The Cannery, the City cannot trust that these vital safety features will be built unless they are strictly front-loaded and legally triggered prior to any residential occupancy.

3. Environmental and Infrastructure Risks

Beyond the procedural issues, the project continues to pose unresolved threats:

- **Infrastructure Strain:** The recent recirculation of the EIR regarding the Wastewater Treatment Plant proves that our city's core infrastructure is not yet prepared to handle a development of this scale.
- **Loss of Heritage Farmland:** Paving over nearly 500 acres of prime agricultural land contradicts the very "Greenbelt" principles that define Davis.

I urge the City Council to reject the certification of this EIR in its current form. We must demand a full analysis of the **"South of Channel A" alternative** and require ironclad, legally enforceable guarantees for all infrastructure before this project is allowed to proceed to a ballot.

Thank you for your time and for protecting the future of our city.

Sincerely,

Nathaniel Ellis, 1651 Harvest St, Davis 95616

Subject: Comments on Partially Recirculated Village Farms Draft EIR
Sent: 1/2/2026, 4:33:40 PM
From: holstein@cal.net<holstein@cal.net>
To: Dara Dungworth
Cc: 'Eileen Samitz'

Categories: Staff Follow Up, VFD Project Comment

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

Dear Dara Dungworth,

Thanks for the opportunity to comment on the Partially Recirculated Village Farms Draft EIR. The proposed Village Farms project is a singularly bad project that grossly and significantly deviates from California
General Plan Requirements as follows:

1. Housing Affordability. This important goal addresses the problem that mean housing prices in California increasingly exceed mean income. The lack of affordability of the proposed Village Farms project puts it economically out of reach of the vast majority of families with school age children as has been analyzed in detail by many in Davis like Rich Rifkin and Bos Dovi in the Davis Enterprise.
2. Conservation: This goal is to focus development away from very environmentally sensitive landscapes. As a principal author of the award-winning Yolo Conservation Plan I can definitely say that the proposed Village Farms site is one of the most significant environmentally critical sites in the entirety of California's Central Valley and by far the most sensitive unprotected environmental landscape in Yolo County.
3. Hazards. These must be avoided, but despite that Village Farms proposes inviting families to live a few feet above dangerous toxic groundwater identified in its own EIR. This is eerily reminiscent of the horrific Love Canal tragedy of the last century when families were invited to live above toxics to fill schools and ended up filling hospitals instead.

This is just a brief summary of why Village Farms is a terrible idea in its present location. Consequently it should be moved to a completely different off-site location free from the disastrous problems at its present proposed site.

Sincerely,

Glen Holstein, PhD

Landscape Ecology Professional

Subject: Village farms proposal
Sent: 1/2/2026, 4:59:12 PM
From: VICKI LINK<narvlink@comcast.net>
To: Dara Dungworth

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: WG, VFD Project Comment

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

Hi, just a quick comment about the partially recirculated Village Farms Draft EIR; it sure seems like it would make much more sense for a project to be smaller, and avoid some of old landfill and floodplane issues. It seems that we should be looking harder for a "reduced footprint" alternative, limited to below/south of Channel A

I am also concerned about the wastewater treatment issue; it seems that this issue is potentially very messy, and is being swept under the rug for this and the Willowgrove DEIRs.

Thanks!

V Link
Davis resident

Subject: Village Farms proposal
Sent: 1/2/2026, 3:56:22 PM
From: Charles Pickett<charlespickett1952@gmail.com>
To: Dara Dungworth

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: VFD Project Comment

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

Village Farms: Proposed Housing north of Davis

2025

I have two main concerns regarding the proposed development. First, where is the water coming from for the new homes and landscaping? Secondly, how is the increased traffic from this development going to be managed? I, along with thousands of others in Davis have removed their lawns, in an effort to transition to much lower water usage. It became evident two years ago that with increasing global temperatures, future water delivery will be reduced. We as a city came very close to mandatory rationing during 2022. Eighteen hundred more homes from Village Farms, and surrounding landscaping means much more year-round water demand. Is this how the city manages water usage, asking its citizens to switch to xeroscape landscaping, then turning around and adding many, many more permanent users of a limited resource?

We all know about traffic congestion along the Hwy I-80 corridor. Most likely a large share of the new homeowners will be traveling to Sacramento or East Bay for work. Or just locally. We already have serious congestion at Pole Line and Covell Blvd., and with regional growth, the upgraded I-80 corridor will rapidly reach carrying capacity. I haven't seen any new mitigation measures proposed to move traffic away from central Davis. During commuting times, the city's major roads, i.e. Eight St. and Covell Blvd, are almost gridlocked. Without expanding our current road system, the city is heading towards complete lockdown during these hours.

One argument I have read that favors additional new homes, is that it would increase the number of students attending Davis K-12 schools. Student enrollment has been dropping the last few years and directly affects funding for the same schools. This is reminiscent of an old argument that more development is critical because it brings in more tax revenue needed by the city. Both are just vicious cycles of argument. More houses/students means more expenditures needed from the city both for education and accommodating infrastructure. Taking into consideration that state and national birth rates are in decline, this argument makes no sense (the same can be said for most developed countries). It's just a temporary patch to a much broader issue. It's time we learn to live within the budgets we have, since student enrollment will only continue to decline through time.

Rather than create more congestion, pollution, and water demands for Davis, why not just transform this area into a natural preserve, something just about everyone in Davis and beyond would favor. We just need generous donors.

Davis Resident, C. H. Pickett

Charlespickett1952@gmail.com

Subject: Comments on Partially Recirculated Village Farms Draft EIR for the Administrative Record
Sent: 1/2/2026, 4:37:32 PM
From: Leslyn Skog<lesjskog@gmail.com>
To: Dara Dungworth

Categories: Staff Follow Up, VFD Project Comment

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

I would like to comment on the Partially Recirculated Village Farms Draft EIR for the Administrative Record.

1) If the wastewater issue caused by more housing impacts the city finances, pollution issues and/or the flooding of current housing, I would be against any such housing.

2) If a development with a smaller footprint is being considered, I feel that it is important to leave the vernal pools alone. They are an endangered habitat.

3) While a development with a smaller footprint would create fewer traffic issues, I still would likely object due to the blockage of traffic circulation from the west (train tracks) and north. There is just no way to not create a bottleneck of traffic impacting neighborhoods to the south.

4) In regards to neighborhoods to the south, there is already trouble during school drop off and pickup times on J Street. Adding more bikes and cars on this route will be unthinkable with J Street being in such poor condition. It is hard to believe that the city wants to add even more traffic to a school route that is full of potholes.

Thank you for your consideration of these issues. -Leslyn Skog, 1247 Menlo Drive, Davis Ca 95616 Sent from Les

Subject: Stop Village Farms Development
Sent: 1/2/2026, 5:04:56 PM
From: Tim Stewart<stewarttimg@gmail.com>
To: Dara Dungworth

Categories: Staff Follow Up, VFD Project Comment

CAUTION: External email. Please verify sender before opening attachments or clicking on links.

Please protect City of Davis flood protection, sewer system, traffic, fresh water usage, preserve farmland, habitat, birds, wetlands, and vernal pools.

RESOLUTION NO. 26-XXX, SERIES 2026

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING PLAN FOR THE VILLAGE FARMS DAVIS PROJECT
(PA #23-14)

WHEREAS, the project known as Village Farms Davis (Project) proposes to develop approximately 497 ± acres as a residential community with for-sale attached and detached housing, affordable rental apartments, an educational farm site, a pre-k facility site, open space and recreational areas, stormwater facilities, and related site improvements; and

WHEREAS, the Project is generally located in the County of Yolo, northwest of the intersection of Covell Boulevard and Pole Line Road and northeast of the existing Cannery residential neighborhood (Project Site). The Project proposes to annex the Project Site into the City of Davis (City); and

WHEREAS, the City circulated a Notice of Preparation regarding its plan to prepare an environmental impact report (EIR) for the Project on October 30, 2023, commencing a public review and comment period that ended on December 8, 2023;

WHEREAS, the City held a duly noticed public scoping meeting on November 29, 2023 to receive public comments on the appropriate scope of the Draft EIR; and

WHEREAS, on January 7, 2025, the City circulated the Draft EIR for a 45-day public review and comment period which concluded on February 25, 2025; and

WHEREAS, on February 12, 2025, the Planning Commission held a public meeting to receive comments regarding the adequacy of the Draft EIR; and

WHEREAS, due to significant new information regarding wastewater treatment plant capacity, the City recirculated certain portions of the Draft EIR on November 17, 2025 for a 45-day recirculation period concluding on January 2, 2026 pursuant to CEQA Guidelines Section 15088.5;

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

WHEREAS, the Final EIR (SCH #2023110006) consisting of the Draft EIR and responses to comments received during both the original circulation period and the recirculation period, and minor clarifying corrections were prepared to analyze the environmental effects of the Project; and

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

WHEREAS, on December 2, 2025, the Planning Commission held a duly noticed public hearing and voted to continue the public hearing to a date certain, December 17, 2026, to allow for the Development Agreement negotiations to conclude; and to review the partial draft Responses to Comments on the previously circulated DEIR, the partially recirculated DEIR during the 45-day public comment period, the staff report pertaining to the EIR, public testimony, and all evidence received at the Planning Commission hearing; and

WHEREAS, on December 17, 2025, the Planning Commission held the continued public hearing and voted 5 to 2 to recommend that the City Council certify the EIR for the project based on the draft Responses to Comments on the previously circulated DEIR and the partially recirculated Draft EIR; and reviewed the then-current draft Development Agreement, the staff report pertaining to the EIR, public testimony, and all evidence received at the at the Planning Commission hearing; and

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

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

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

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

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

1. Exhibit A (Findings of Fact and Statement of Overriding Considerations) and Exhibit B (Mitigation Monitoring Plan) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The City Council hereby adopts these various findings of fact attached hereto as Exhibits A and B.

2. Exhibit A of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable." The City Council hereby adopts the Statement of Overriding Considerations contained within Exhibit A.

3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the *CEQA Guidelines* that approval of the project will result in significant effects on the environment, however, the City has eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.

4. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Project, as modified, 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 Final EIR reflects the lead agency’s independent judgement and analysis and hereby certifies the Final EIR in accordance with the requirements of CEQA.

8. A Notice of Determination shall be filed immediately after final approval of the project.

9. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:

a) A copy of the Final EIR and CEQA Findings of Fact shall be retained in the project files;
b) A copy of the Final EIR and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA "responsible" agencies.

PASSED AND ADOPTED by the City Council of the City of Davis on this 20th day of January, 2026, by the following vote:

AYES:

NOES:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

Exhibits Attached:
Exhibit A – CEQA Findings of Fact and Statement of Overriding Considerations
Exhibit B – Mitigation Monitoring and Reporting Plan

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE

VILLAGE FARMS DAVIS PROJECT

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

I. INTRODUCTION

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

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the Draft EIR and Partially Recirculated Draft EIR prepared for the Village Farms Davis Project (Proposed Project) and the equal-weight Biological Resources Preservation Alternative (BRPA). The statement of overriding considerations identifies economic, social, technological, and other benefits of the Proposed Project/BRPA that override any significant environmental impacts that would result from the Proposed Project/BRPA.

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

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

- No Project (No Build) Alternative;
- Lower Number of Units – Same Footprint Alternative
- Agricultural Resource Preservation Alternative.
- Higher Number of Units – Same Footprint Alternative; and
- Off-Site Project Alternative.

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

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

II. General Findings and Overview

Procedural Background

The City of Davis circulated a Notice of Preparation (NOP) for the Draft EIR on October 24, 2023, to trustee agencies, the State Clearinghouse (SCH#: 2023110006), and the public. A scoping meeting was held on November 29, 2023, in the City of Davis for the purpose of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the Proposed Project. The comments received during the NOP comment period are presented in Appendix B to the Draft EIR.

The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on January 7, 2025, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse and the County Clerk, was posted on the City's website, and was mailed to surrounding properties pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from January 7, 2025, through February 21, 2025.

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

The City received 215 comment letters regarding the Draft EIR from public agencies and members of the public during the public comment period. In addition, verbal comments were received during the Draft EIR public comment meeting held on February 12, 2025.

Since release of the Draft EIR, Brown & Caldwell has completed preliminary assessment of the City of Davis' wastewater treatment plant (WWTP) capacity and tentatively confirmed that the WWTP may be at or nearing capacity for secondary treatment. Thus, the City determined that revisions to Chapter 4.14, Utilities and Service Systems, of the Draft EIR, were necessary and that recirculation was required to comply with CEQA Guidelines Section 15088.5. Revisions to Chapter 4.14 included a change to conclusions and the addition of a new mitigation measure and, thus, met the criteria for CEQA Guidelines Section 15088.5. An NOA of the Partially Recirculated Draft EIR was distributed and sent to the State Clearinghouse for distribution on November 17, 2025, for a 45-day review period until January 2, 2026, consistent with the time periods set forth in the CEQA Guidelines. The Partially Recirculated Draft EIR was made available for review online at https://www.cityofdavis.org/city-hall/community-development/development-projects/village-farms-davis and printed copies were made available for public review at the City of Davis Department of Community Development (23 Russell Boulevard, Suite 2, Davis) and at the Yolo County Public Library (315 E. 14th Street, Davis). During the 45-day public comment period on the Partially Recirculated Draft EIR, 43 public comment letters were received.

In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to all written comments received on the Draft EIR and Partially Recirculated Draft EIR. The Final EIR document and the Draft EIR and Partially Recirculated Draft EIR, as amended by the Final EIR, constitute the Final EIR.

Record of Proceedings and Custodian of Record

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

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

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

Consideration of the Environmental Impact Report

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

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Village Farms Davis 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

1. HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA (IMPACT 4.1-1).

   (a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect on a scenic vista is discussed on pages 4.1-11 through 4.1-12 of the Draft EIR.

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

   (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to changes in views that would result from buildout of the Proposed Project and the BRPA and the permanent conversion of a currently open expanse of farmland cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, the Proposed Project and the BRPA would be inconsistent with the designation of the project site/BRPA site as a priority acquisition area for the protection of land providing views of the distant Sutter Buttes and the Sierra Nevada Mountains by the City of Davis. Views of the existing scenic vista of the site, as well as the surrounding agricultural area to the northwest, would be substantially affected by the Proposed Project and BRPA. The incorporation of the proposed 107-acre Northern Agricultural Area, 11.3-acre Urban Agricultural Transition Area (UATA), and/or the 47.1-acre Natural Habitat Area proposed in the BRPA would minimize the effect on the existing scenic vista. Nonetheless, the Proposed Project and BRPA would both result in the permanent conversion of a currently open expanse of farmland, which could have a substantial adverse effect on a scenic vista, resulting in a significant and unavoidable impact.

      Mitigation Measure(s) Feasible mitigation does not exist to reduce the above potential impact to a less-than-significant level. Therefore, the impact would remain significant and unavoidable. (Draft EIR, pg. 4.1-12).

   (d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project and BRPA related to resulting in a substantial adverse effect on a scenic vista in excess of applicable standards of other agencies, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

2. HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA ASSOCIATED WITH DEVELOPMENT OF THE PROPOSED PROJECT OR BIOLOGICAL RESOURCES

PRESERVATION ALTERNATIVE IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.1-5).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect on a scenic vista associated with development of the Proposed Project or BRPA in combination with future buildout of the City of Davis is discussed on pages 4.1-19 and 4.1-20 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to causing long-term cumulative effects on scenic vistas in combination with future buildout of the City of Davis and present and probable future projects cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, the Proposed Project would be inconsistent with the designation of the project site/BRPA site as a priority acquisition area for the protection of land providing views. Similar to the Proposed Project and the BRPA, development of the Willowgrove Project, formally known as the Shriners Property Project, and the Davis Innovation Sustainability Campus (DiSC) 2022 Project would convert existing farmland to urban uses. The Proposed Project and BRPA, in combination with potential future development projects facilitated by the buildout of the City's General Plan, would cumulatively contribute to the elimination of open expanses of farmland in the area. As such, the loss of the existing on-site panoramic open space/agricultural views could be a significant impact. Thus, development of the Proposed Project or BRPA, in conjunction with future development in the cumulative setting, would result in a cumulative significant impact.

Mitigation Measure(s). Feasible mitigation does not exist to reduce the above potential impact to a less-than-significant level. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft EIR pg. 4.1-20).

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project/BRPA related to having a substantial adverse effect on a scenic vista associated with development of the Proposed Project/BRPA in combination with future buildout of the City of Davis, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

B. AGRICULTURAL RESOURCES

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

(a) Potential Impact. The potential for the Proposed Project and the BRPA to result in impacts related to the conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to non-agricultural use or agricultural land as defined in the CKH Act (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) is discussed on pages 4.2-22 through 4.2-25 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the conversion of Farmland to non-agricultural uses or agricultural land as defined in the CKH Act cannot be mitigated to a less-than-significant level. Davis Municipal Code Section 40A.03.025 states that, “The city shall require agricultural mitigation as a condition of approval for any development project that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use.” The Proposed Project contains approximately 323 acres of Prime Farmland, 121 acres of Unique Farmland, nine acres of Farmland of Statewide Importance, and one off-site acre of Farmland, bringing the total amount of potentially impacted Farmland to 335.6 acres after taking into account the Prime and Unique Farmland saved in the Northern Agricultural Area and UATA. The BRPA would be developed within the same overall site boundaries but would include preservation of the 47.1-acre Natural Habitat Area. Therefore, the BRPA’s impact to existing Farmland would be 18 acres less than the Proposed Project. Additionally, the entire site would be considered Prime Farmland by Yolo Local Agency Formation Commission (LAFCo) because the project site/BRPA site would meet the minimum agricultural value of $400 per acre, therefore requiring agricultural mitigation efforts. Because the project site/BRPA site is in agricultural use, and because the Farmland located there meets the significance criteria outlined by Yolo County and Yolo LAFCo, agricultural mitigation would be required.

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

Proposed Project, Biological Resources Preservation Alternative

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

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

While the mitigation measure above would preserve Farmland acreage elsewhere, that preservation would not create new Farmland. As such, the Proposed Project and the BRPA would both lead to an overall loss of Farmland. Therefore, although implementation of the foregoing mitigation measure would reduce the above significant impact, the impact would remain significant and unavoidable. (Draft EIR, pg. 4.2-25).

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project and the BRPA related to the conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

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

(a) Potential Impact. The potential for impacts related to involving changes in the existing environment which, due to their location and nature, could cumulatively result in loss of Farmland to non-agricultural use associated with the development of the Proposed Project, as well as the BRPA, is discussed on pages 4.2-28 through 4.2-29 of the Draft EIR.

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

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

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

Proposed Project, Biological Resources Preservation Alternative

4.2-4 Implement Mitigation Measure 4.2-1.

Implementation of the foregoing mitigation measure would help reduce the incremental contribution towards the cumulative impact related to conversion of important farmland identified above by preserving existing agricultural land of comparable quality in another location in Yolo County. However, the impact would remain cumulatively considerable and significant and unavoidable due to the permanent loss of agricultural land attributable to the Proposed Project or the BRPA. (Draft EIR, pg. 4.2-29).

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

Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

C. AIR QUALITY, GREENHOUSE GAS EMISSIONS, AND ENERGY

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

(a) Potential Impact. The potential for the Proposed Project and the BRPA to conflict with or obstruct implementation of the applicable air quality plan during project operation is discussed on pages 4.3-52 through 4.3-56 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the applicable air quality plan and operational emissions levels. The Yolo-Solano Air Quality Management District (YSAQMD) has established mass emissions thresholds for operational emissions of Reactive Organic Gases (ROG), Nitrogen Oxide (NO_X), or Particulate Matter (PM_{10}). If a project's operational emissions exceed the YSAQMD's mass emissions thresholds, a project would be considered to conflict with or obstruct implementation of the YSAQMD's air quality planning efforts. The Proposed Project's and the BRPA's maximum unmitigated operational emissions of NO_X would be below the applicable YSAQMD threshold of significance. However, the Proposed Project's and the BRPA's maximum unmitigated operational emissions of ROG and PM_{10} would exceed the applicable YSAQMD thresholds of significance. Accordingly, the Proposed Project and the BRPA could violate an air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, the Proposed Project and BRPA would be considered to result in a significant impact related to air quality.

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

Proposed Project, Biological Resources Preservation Alternative

4.3-2 *The following requirement shall be included in the Covenants, Conditions, and Restrictions (CC&Rs) for the residential subdivisions and all commercial and residential leases: Only zero-VOC paints, finishes, adhesives, and cleaning supplies shall be used for all buildings on the project site. Prior to approval of improvement plans for each*

small lot tentative map, draft language shall be provided to the City of Davis Community Development Department for review and approval.

Implementation of Mitigation Measure 4.3-2 would reduce the operational area source emissions associated with the Proposed Project and BRPA through the use of zero-Volatile Organic Compound (VOC) paints, finishes, adhesives, and cleaning supplies as shown in Table 4.3-13 and Table 4.3-14 of the Draft EIR. However, as shown in the tables, even with implementation of Mitigation Measure 4.3-2, the Proposed Project's and BRPA's operational ROG and PM_{10} emissions would continue to exceed the applicable thresholds of significance. Furthermore, feasible mitigation measures to reduce area source and mobile source PM_{10} emissions are not available. Therefore, the Proposed Project's and the BRPA's potential impact related to the Proposed Project's/BRPA's operational ROG and PM_{10} emissions would remain significant and unavoidable.

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project/BRPA related to conflicts with or obstructions to implementation of the applicable air quality plan during project operation, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

2. RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD (INCLUDING RELEASING EMISSIONS WHICH EXCEED QUANTITATIVE THRESHOLDS FOR OZONE PRECURSORS) (IMPACT 4.3-6).

(a) Potential Impact. The potential for the Proposed Project and the BRPA to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) is discussed on pages 4.3-66 through 4.3-69 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to resulting in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) associated with both the Proposed Project and the BRPA cannot be mitigated to a less-than-significant

level. If a project exceeds the significance thresholds, as identified by the YSAQMD, that project's emissions would be cumulatively considerable, resulting in a significant adverse air quality impact to the region's existing air quality conditions. Both the Proposed Project and BRPA would result in emissions that exceed the YSAQMD's thresholds of significance. Consequently, implementation of the Proposed Project and BRPA could conflict with the YSAQMD's adopted attainment plans or inhibit attainment of regional Ambient Air Quality Standards (AAQS). Therefore, implementation of the Proposed Project and BRPA could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is in non-attainment and could contribute towards regional health effects associated with the existing nonattainment status of ozone and PM standards. Therefore, the Proposed Project's/BRPA's incremental contribution to the significant cumulative effect would be cumulatively considerable and significant and unavoidable.

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

Proposed Project, Biological Resources Preservation Alternative

4.3-6 Implement Mitigation Measure 4.3-2.

Implementation of Mitigation Measure 4.3-6 would reduce operational area-source ROG and PM_{10} emissions. However, such emissions would still not be reduced to below the applicable thresholds of significance. In addition, possible additional mitigation measures for further reducing ROG and PM_{10} emissions cannot be feasibly enforced or verified. Even with implementation of the above mitigation measure, the Proposed Project's/BRPA's incremental contribution to the significant cumulative effect would remain cumulatively considerable and significant and unavoidable. (Draft EIR, pg. 4.3-69).

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

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

(a) Potential Impact. The potential for the Proposed Project and the BRPA to generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or

regulation adopted for the purpose of reducing the emissions of GHGs during operation is discussed on pages 4.3-74 through 4.3-82 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to generating GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during operation, cannot be mitigated to a less-than-significant level. The City of Davis has adopted a Climate Action and Adaptation Plan (CAAP). Consistent with the City's CAAP, the Proposed Project/BRPA would be considered to have a significant impact if emissions from Proposed Project/BRPA operations would result in net positive operational emissions in the year 2040. Should the Proposed Project/BRPA be shown to reach net neutrality by the year 2040 compared to existing emissions levels associated with the site, the Proposed Project/BRPA would be considered to provide a proportional share of emissions reductions and would not inhibit attainment of citywide net carbon neutrality by the year 2040, nor would the Proposed Project/BRPA conflict with the City's CAAP. For both the Proposed Project and the BRPA, project emissions could exceed net carbon neutrality in the year 2040. As such, implementation of the Proposed Project and the BRPA would conflict with the City's recently adopted goal of carbon neutrality by the year 2040. Therefore, implementation of both the Proposed Project and the BRPA could generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG, and both the Proposed Project's and BRPA's incremental contribution to this significant cumulative impact would be cumulatively considerable.

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

Proposed Project, Biological Resources Preservation Alternative

4.3-8 *The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to the approval of the entitlement for each phase of the Proposed Project or the BRPA, the project proponent shall indicate how to complete and implement the following steps:*

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

Proposed Project		
Year	**Maximum Permitted Net Project Emissions ($MTCO_2e$)**	**Emissions Reductions Achieved ($MTCO_2e$)**
2033	18,160.00	0.00
2034	15,565.71	2,594.29
2035	12,971.43	5,188.57
2036	10,377.14	7,782.86
2037	7,782.86	10,377.14
2038	5,188.57	12,971.43
2039	2,594.29	15,565.71
2040	0.00	18,160.00
Total Emissions Reductions		*72,640.00*

BRPA		
Year	**Maximum Permitted Net Project Emissions ($MTCO_2e$)**	**Emissions Reductions Achieved ($MTCO_2e$)**
2033	19,206.00	0.00
2034	16,462.29	2,743.71

2035	13,718.57	5,487.43
2036	10,974.86	8,231.14
2037	8,231.14	10,974.86
2038	5,487.43	13,718.57
2039	2,743.71	16,462.29
2040	0.00	19,206.00
Total Emissions Reductions		*76,824.00*

3. *Should net operational emissions be shown to exceed the maximum emissions levels presented in the applicable table above, the project applicant shall identify feasible actions to achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:*
    - *Use of energy-star appliances in all or part of the project;*
    - *Installation of on-site photovoltaic systems in excess of the City's or State standards in place at the time of this environmental analysis;*
    - *Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);*
    - *Implement Transportation Demand Management strategies, such as CAPCOA Handbook Strategy T-15 and T-20-A, in accordance with Mitigation Measure 4.13-4 of this EIR;*
    - *Provide electric vehicle charging infrastructure in excess of existing Tier 1 CBSC requirements; and/or*
        - *Purchase carbon credits to offset project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code Section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2040. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the CCR, and shall not allow the use of offset projects originating outside of California, except to the extent that the*

quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of Davis and/or the YSAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by YSAQMD.

4. *The emissions reductions resulting from implementation of the above measures shall be calculated, using methods acceptable to the City.*
5. *Proof of compliance with the maximum annual net emissions targets and the steps above shall be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development. The TMC shall document the following minimum items: modeling (step 1); comparison of modeled emissions to maximum emissions levels identified in Mitigation Measure 4.3-8(a) (step 2); chosen feasible actions to achieve required reductions (step 3); and measurable GHG reduction value of each action (step 4). TMCs prepared in compliance with the foregoing steps may cover individual operational years or multiple operational years. Should a TMC be prepared for multiple operational years, the TMC shall demonstrate compliance with the maximum emissions levels for each year included in the TMC.*
6. *Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development. The City upon review and acceptance of implementation, shall issue the certificate of occupancy.*

Implementation of Mitigation Measure 4.3-8 would achieve a downward trajectory of operational GHG emissions and would assure that implementation of the Proposed Project/BRPA would not result in long-term operational impacts related to GHG emissions. However, due to uncertainties related to the potential efficacy and feasibility of the GHG reductions measures, as well as the availability of off-site carbon credit programs, the full GHG reductions associated with the Proposed Project or the BRPA cannot be guaranteed at this time. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft EIR, pg. 4.3-80).

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

D. BIOLOGICAL RESOURCES

1. HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS (IMPACT 4.4-15).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means is discussed on pages 4.4-94 through 4.4-101 of the Draft EIR.

(b) Findings. Significant and unavoidable with mitigation incorporated for the Proposed Project. See page 68 of these Findings for findings regarding the BRPA. Changes or alterations have been required in, or incorporated into, the Proposed Project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the Proposed Project to have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, approximately 20.349 acres of aquatic resources would be permanently impacted by the Proposed Project, approximately 1.029 acres would be temporarily impacted, and 0.248-acre within the Western Program Study Area could be potentially impacted. Such wetlands may be under the jurisdiction of the Regional Water Quality Control Board (RWQCB) and the United States Army Corps of Engineers (USACE). As such, the Proposed Project would result in a significant impact related to federally or State-protected wetlands.

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

Proposed Project, Biological Resources Preservation Alternative

4.4-15(a) *Implement Mitigation Measure 4.4-14(a).*

4.4-15(b) *<u>Yolo HCP/NCCP AMM10</u>: Project proponents will comply with stormwater management plans that regulate development as part of compliance with regulations under National Pollutant Discharge Elimination System (NPDES) permit requirements. Covered activities that result in any fill of waters or wetlands will also comply with*

requirements under Section 404 of the Clean Water Act, State Water Resources Control Board (State Board), Fish and Game Code Section 1602, and Regional Board regulations. Other than requirements for buffers, minimizing project footprint, and species-specific measures for wetland-dependent covered species, this HCP/NCCP does not include specific best management practices for protecting wetlands and waters because they may conflict with measures required by the USACE, State Board, Regional Board, and CDFW.

4.4-15(c) *Prior to the commencement of construction, the project proponent shall apply for a Section 404 permit from the U.S. Army Corps of Engineers (USACE). Waters that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE. Written verification of the Section 404 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.*

4.4-15(d) *Prior to the commencement of construction, the project proponent shall apply for a Section 401 water quality certification/waste discharge requirement from the Regional Water Quality Control Board (RWQCB), and adhere to the certification conditions. Written verification of the Section 401 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.*

The Proposed Project would remove the on-site alkali wetlands. Given the limited extent of this habitat within the region and the habitat value for the federally endangered vernal pool tadpole shrimp, the loss of approximately 19.6 acres of alkali playa/alkali wetland complex would be considered significant. Further, while Mitigation Measure 4.4-15(c) requires no-net loss replacement or rehabilitation of federally jurisdictional waters, creation of net new habitat would not occur. As a result, the Proposed Project's impact to wetlands would remain significant and unavoidable. (Draft EIR, pgs. 4.4-99 and 4.4-100).

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project override the remaining adverse impacts of the Proposed Project related to having a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

2. CUMULATIVE LOSS OF HABITAT FOR SPECIAL-STATUS SPECIES (IMPACT 4.4-19).

(a) Potential Impact. The potential for the Proposed Project/BRPA to result in cumulative loss of alkali playa/alkali wetland complex habitat for special-status species is discussed on pages 4.4-107 through 4.4-110 of the Draft EIR.

(b) Findings. Cumulatively considerable and significant and unavoidable with mitigation incorporated for the Proposed Project. See pages 65 and 66 of these Findings for findings regarding the BRPA. Changes or alterations have been required in, or incorporated into, the Proposed Project which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, as identified in the Draft EIR, make infeasible additional mitigation measures identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(3)).

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the Proposed Project to result in cumulative loss of alkali playa/alkali wetland complex habitat for special-status species cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, buildout of the Proposed Project or BRPA, in combination with other development within the City of Davis, would result in a significant cumulative impact related to the loss of special-status species habitat. With respect to the Proposed Project, the on-site alkali playa/alkali wetland complex would be removed and the loss would be considered significant, as discussed above. Further, while Mitigation Measure 4.4-15(c) requires no-net loss replacement or rehabilitation of federally jurisdictional waters, creation of net new habitat would not occur. Based on the above, cumulative buildout of the City of Davis would result in a significant cumulative impact related to the loss of special-status species habitat, and the contribution to the significant impact under the Proposed Project, even with incorporation of mitigation, would be cumulatively considerable.

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

Proposed Project, Biological Resources Preservation Alternative

4.4-19 Implement Mitigation Measures 4.4-14(a), 4.4-14(b), 4.4-15(a), 4.4-15(b), 4.4-15(c), and 4.4-15(d).

As discussed above, because the Proposed Project would result in the loss of approximately 19.6 acres of alkali playa/alkali wetland complex and the creation of net new habitat would not occur, the Proposed Project's incremental contribution to the significant cumulative effect would remain cumulatively considerable and significant and unavoidable, even with mitigation.

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project override the remaining adverse impacts of the Proposed Project related to the cumulative loss of habitat for special-status species, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

E. NOISE

1. GENERATION OF A SUBSTANTIAL TEMPORARY INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES (IMPACT 4.10-1).

(a) Potential Impact. The potential for the Proposed Project/BRPA to generate a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, is discussed on pages 4.10-16 through 4.10-20 of the Draft EIR.

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

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

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

Proposed Project, Biological Resources Preservation Alternative

4.10-1 *Prior to the approval of grading and/or building permits, the following requirements shall be noted on Improvement Pans, subject to review*

and approval of the City of Davis Community Development Department:

- *The proposed project shall incorporate eight-foot-tall temporary sound barriers between the existing sensitive receptors and construction activities, as determined by a qualified acoustical consultant prior to commencement of construction (reference locations in Table 4.10-10 of the Village Farms Draft EIR). The sound barrier fencing shall consist of 0.5-inch plywood or minimum Sound Transmission Class (STC) 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier shall be free from gaps, openings, or penetrations to ensure maximum performance;*
- *Construction activities shall only take place between the hours of 7:00 AM and 7:00 PM, Monday through Friday, and 8:00 AM and 8:00 PM, on Saturday;*
- *All construction equipment powered by internal-combustion engines shall be properly muffled and maintained;*
- *Quiet construction equipment, particularly air compressors, are to be selected whenever possible;*
- *All stationary noise-generating construction equipment, such as generators or air compressors, are to be located as far as practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site/BRPA site;*
- *Unnecessary idling of internal-combustion engines is prohibited; and*
- *The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest to the project site/BRPA site during all project construction.*

Implementation of Mitigation Measure 4.10-1 would achieve a noise level reduction associated with three construction areas to below the criteria of 5.0 dBA by implementing the use of eight-foot tall temporary noise barriers. However, construction noise associated with the majority of construction areas would remain over the 5.0 dBA increase criteria. Therefore, although implementation of the above mitigation measure would reduce the above significant impact, the impact would remain significant and unavoidable. (Draft EIR, pg. 4.10-20).

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

F. POPULATION AND HOUSING

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

   (a) Potential Impact. The potential for the Proposed Project/BRPA to induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure) is discussed on pages 4.11-7 through 4.11-9 of the Draft EIR.

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

   (c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the Proposed Project/BRPA to induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure) cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, the Proposed Project and the BRPA would both include development of a total of 1,800 housing units, housing an estimated 4,626 residents. As such, both the Proposed Project and the BRPA would result in similar levels of population growth. Because the project site/BRPA site is not currently located within the City of Davis and does not have a City General Plan Land Use Designation, population growth resulting from the Proposed Project/BRPA would not be within the Sacramento Area Council of Governments (SACOG) or City of Davis growth estimates for the project area. As a result, the Proposed Project/BRPA would be considered to induce substantial unplanned population growth, and a significant impact would result under both development scenarios.

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

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

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to result in cumulative unplanned population growth is discussed on page 4.11-10 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the Proposed Project/BRPA to result in cumulative unplanned population growth cannot be mitigated to a less-than-significant level. As discussed in the Draft EIR, buildout of the City of Davis was anticipated to result in population growth within the plan area through the buildout of urban and rural developments. In addition, as discussed above, the population growth associated with implementation of the Proposed Project/BRPA has not been anticipated for the region, as the site is not currently located within the City of Davis and does not have a City General Plan Land Use Designation. Furthermore, the General Plan Housing Element projected that a total of 1,737 housing units would be developed in the City between 2020 and 2036; thus, development of the Proposed Project/BRPA with 1,800 residential units, in combination with other cumulative development in the City of Davis, would result in a cumulatively considerable impact.

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

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project/BRPA related to cumulative unplanned population growth, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

G. TRANSPORTATION

1. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT FACILITIES AND SERVICES (IMPACT 4.13-3).

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, is discussed on pages 4.13-36 through 4.13-40 of the Draft EIR.

(b) Findings. Significant and unavoidable with mitigation incorporated. Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which attempt to avoid or substantially lessen this significant environmental effect as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). However, the impact would still remain significant and unavoidable. Specific economic, legal,

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the Proposed Project/BRPA to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, cannot be mitigated to a less-than-significant level. According to the Transportation Impact Study (TIS), the Proposed Project and the BRPA would increase vehicle travel demand and cause increases to peak hour delay on roadways within the project site/BRPA site vicinity. Thus, the Proposed Project/BRPA would exacerbate currently deficient Unitrans performance with respect to on-time performance targets. Therefore, the Proposed Project and the BRPA could conflict with a program, plan, ordinance, or policy addressing transit facilities and services, and a significant impact could occur.

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

Proposed Project, Biological Resources Preservation Alternative

4.13-3(a) *Implement Mitigation Measure 4.13-4.*

4.13-3(b) *Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall fund a Transit Service and Facilities Plan for the area encompassing the project site and other development along the north side of the Covell Boulevard and Mace Boulevard corridor between the westerly city limits and the I-80 interchange. The plan shall be led either by Unitrans and Yolobus, or by the City with Unitrans and Yolobus participating as active project partners. The plan shall be guided by the Unitrans and Yolobus service development processes, and shall be subject to approval by the City of Davis Public Works (Engineering and Transportation) Department. The Transit Service and Facilities Plan shall identify transit service and facility improvements required in accordance with Unitrans and Yolobus policies related to unmet transit needs, timing for improvements, transit service warrants, and performance standards.*

The applicant shall fund the implementation of transit service and facilities improvements to the extent that they are identified in the aforementioned Transit Service and Facilities Plan with the explicit focus of implementing improvements that would address Proposed Project/BRPA-related contributions to unmet transit needs and project-related deficiencies with respect to transit service warrants and performance standards. The Proposed Project/BRPA shall not be responsible for funding improvements that address existing deficiencies. Potential transit improvements include the following:

1) Modifying existing transit routes or adding new routes to serve the project site, adding service capacity (through increased

headways and/or larger vehicles) to prevent overcrowding and maintain productivity standards.

2) *Constructing transit priority treatments to improve on-time performance (i.e., transit signal priority and/or Intelligent Transportation Systems (ITS) upgrades at East Covell Boulevard traffic signals, transit queue jumps at East Covell Boulevard intersections, etc.).*
3) *Improving terminal facilities (i.e., stops) to accommodate additional passengers and transit vehicles.*
4) *Implementing transit pass/fare subsidies for residents and employees.*

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

To implement this mitigation measure, the Proposed Project/BRPA shall establish an appropriate funding mechanism (e.g., Community Facilities District or other mechanism determined acceptable by the City), to fund transit service and facilities improvements to adhere to Unitrans and Yolobus policies related to unmet transit needs, transit service warrants, and performance standards. The funding mechanism shall provide funding for capital costs and on-going operation of transit services. On-going annual fees would be identified and paid by the applicant to fund necessary transit service and facility improvements. Fees would be assessed on all future project land uses that generate an increased demand for transit services, including residential, commercial, civic, and recreation land uses. The project's funding contributions allocated through the funding mechanism shall be limited to improvements and/or portions of improvements that are attributable to the project's contributions to deficient transit service and/or operations. The project shall not contribute funding towards improvements needed to address existing deficiencies and/or improvements needed to address deficiencies attributable to other future land use projects.

Prior to establishing the funding mechanism, the applicant shall submit to the City for review and approval a complete and adequate report supporting the level of assessments/fees necessary for the establishment and continuation of the funding mechanism. The report shall be prepared by a registered engineer, in consultation with a qualified financial consultant. The report shall identify the transit services intended to be funded by the mechanism, the cost to establish and operate these services, the portion of the overall costs to be funded by the applicant, and the assessment/fees to obtain the necessary funding, including a methodology for calculating fee increases over time. A transit service to be explicitly funded by the mechanism and included in the report would be the implementation of transit service and facilities improvements necessary to adhere to Unitrans and

Yolobus policies related to unmet transit needs, transit service warrants, and performance standards. Project contributions towards on-going operating costs shall consider other regular established transit funding sources, such as the State of California Local Transportation Fund (LTF) and State Transit Assistance (STA) fund, as well as potential contributions from other future development that would benefit from these transit improvements.

Implementation of the Mitigation Measure 4.13-3(a) refers to the Transportation Demand Management (TDM) mitigation measure (Mitigation Measure 4.13-4) to address the VMT impact associated with the Proposed Project/BRPA. However, because the effectiveness of the TDM strategies identified in Mitigation Measure 4.13-3(a) are not known, subsequent vehicle trip reduction effects and, in turn, reductions to delays to transit, cannot be guaranteed. Additionally, the improvements that are necessary to improve transit service and facilities identified in Mitigation Measure 4.13-3(b) would require additional actions and implementation by Unitrans and Yolobus, and the specific improvements identified in the transit service and facilities plan and their efficacy are not known at this time. Therefore, due to the uncertainties regarding the ability for the mitigation to reduce the impact to a less-than-significant level, impacts related to transit facilities and services would be considered significant and unavoidable. (Draft EIR, pg. 4.13-38).

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project/BRPA related to a conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

2. CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B) (IMPACT 4.13-4).

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) is discussed on pages 4.13-40 through 4.13-43 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) cannot be mitigated to a less-than-

significant level. According to the TIS, the residential component of both the Proposed Project and the BRPA would generate residential vehicle miles traveled (VMT) per capita exceeding 15 percent below baseline local and regional residential VMT per capita averages. Therefore, both the Proposed Project and the BRPA would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), and a significant impact could occur.

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

Proposed Project, Biological Resources Preservation Alternative

4.13-4 *Prior to occupancy of the first residential unit, the project applicant shall implement TDM strategies to reduce the number of vehicle trips that would be generated by the residential component of the Proposed Project/BRPA, subject to review and approval by the City Engineer. The TDM strategies may include, but not necessarily be limited to, CAPCOA Handbook Strategy T-15 and T-20-A.*

Implementation of Mitigation Measure 4.13-4 would reduce residential VMT per capita associated with the residential component of the Proposed Project or BRPA by implementing TDM strategies to reduce external vehicle trips generated by residents of the Proposed Project/BRPA. However, the effectiveness of the TDM strategies cannot be quantified at this time and subsequent vehicle trip reduction effects cannot be guaranteed. Due to uncertainties regarding the ability for the aforementioned mitigation measure to reduce VMT impacts to less-than-significant levels, VMT impacts of both the Proposed Project and the BRPA would be considered significant and unavoidable. (Draft EIR, pgs. 4.13-42 to 4.13-43).

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project/BRPA related to the potential for the Proposed Project/BRPA to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

3. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT FACILITIES AND SERVICES, ASSOCIATED WITH CUMULATIVE DEVELOPMENT OF THE PROPOSED PROJECT OR THE BRPA IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.13-8).

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the Proposed Project or BRPA in combination with future buildout of the City of Davis is discussed on pages 4.13-47 through 4.13-48 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the Proposed Project or BRPA in combination with future buildout of the City of Davis cannot be mitigated to a less-than-significant level. Under cumulative conditions, substantial increases in background vehicle travel activity would occur on study area roadways due to reasonably foreseeable land use development elsewhere in and around the City of Davis. Together with the increase in vehicle travel activity caused by the Proposed Project/BRPA, increases in vehicle travel activity would cause adverse effects to transit operations by increasing transit service delay and running times in a manner inconsistent with Unitrans performance standards. Therefore, the Proposed Project and the BRPA, in combination with future buildout of the City of Davis, could conflict with a program, plan, ordinance, or policy addressing transit facilities and services, and a cumulatively considerable and significant impact could occur.

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

Proposed Project, Biological Resources Preservation Alternative

4.13-8 Implement Mitigation Measures 4.13-3(a) and (b).

Implementation of the above mitigation measure would help reduce the incremental contribution towards the cumulative impact related to a conflict with a program, plan, ordinance, or policy addressing transit facilities and services. The above discussion addresses the mitigation measures for this impact. Mitigation Measure 4.13-3(a) identifies potential TDM strategies, such as requiring residents to purchase parking spaces at an additional cost, therefore decreasing vehicle ownership and VMT, and implementing a carshare program. Mitigation 4.13-3(b) includes additional actions to improve transit service and facilities. However, due to the uncertainties regarding the ability for the foregoing mitigation to reduce the impact to a less-than-significant level, the impact would remain cumulatively considerable and significant and unavoidable.

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project/BRPA related to conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the Proposed Project or BRPA in combination with future

buildout of the City of Davis, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

3. CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B) ASSOCIATED WITH CUMULATIVE DEVELOPMENT OF THE PROPOSED PROJECT OR THE BRPA IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.13-9).

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) associated with cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis is discussed on pages 4.13-48 through 4.13-49 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) associated with cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis cannot be mitigated to a less-than-significant level. Under Existing Plus Project conditions, the Proposed Project and the BRPA would cause a significant impact to VMT by virtue of resulting in residential VMT per capita measuring above the applicable significance thresholds relative to existing local and regional residential VMT per capita averages. The VMT impact analysis for Existing Plus Project conditions applies to Cumulative Plus Project conditions. The cumulative VMT impact associated with the Proposed Project and the BRPA would be the same as discussed under Impact 4.13-4 of the Draft EIR. Therefore, both the Proposed Project and the BRPA, in combination with future buildout of the City of Davis, would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), and a cumulatively considerable and significant impact could occur.

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

Proposed Project, Biological Resources Preservation Alternative

4.13-9 Implement Mitigation Measure 4.13-4.

Implementation of the mitigation measure would help reduce the incremental contribution towards the cumulative impact related to conflicting or being inconsistent with CEQA Guidelines section 15064.3, subdivision (b). However, the effectiveness of the TDM strategies cannot be quantified at this time and subsequent vehicle trip reduction effects cannot be guaranteed. Therefore, the impact would remain cumulatively considerable and significant and unavoidable. (Draft EIR, pg. 4.13-49).

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

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) associated with cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis is discussed on pages 4.13-50 through 4.13-54 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds impacts related to the potential for the Proposed Project/BRPA to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) associated with cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis cannot be mitigated to a less-than-significant level. The Proposed Project and the BRPA would generate a mix of traffic that would generally be similar to existing conditions, and, thus would not increase hazards due to incompatible uses. However, as discussed under Impact 4.13-2 of the Draft EIR, the Proposed Project and the BRPA would result in increases to walking and bicycling

activity in the project site/BRPA site vicinity and between the project site/BRPA site and nearby destinations and activity centers, creating additional physical mixing and increased potential for conflicts involving people walking and biking. In addition, under cumulative conditions, maximum freeway off-ramp queues would spill back onto the freeway mainline at the West Covell Boulevard/State Route (SR) 113 Southbound Ramps, West Covell Boulevard/SR 113 Northbound Ramps, Mace Boulevard/Interstate 80 (I-80) Westbound Off-Ramp, and Chiles Road/I-80 Eastbound Ramp terminal intersections. The changes associated with the Proposed Project/BRPA, in combination with future buildout of the City of Davis, could result in hazards due to a geometric design feature or incompatible uses, and a significant impact could occur.

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

Proposed Project, Biological Resources Preservation Alternative

4.13-11 *Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, to the satisfaction of the City of Davis, the project applicant shall enter into an agreement to contribute fair share funding, as determined by the City of Davis Public Works Engineering and Transportation Department, to cover their proportionate cost of the following improvements at the West Covell Boulevard/SR 113 and Mace Boulevard/Chiles Road/I-80 interchanges:*

- *<u>Covell Boulevard between Shasta Drive/Risling Court and Birch Lane:</u> Coordinate traffic signals, optimize signal timings, and operate with a 140 second cycle length during the a.m. peak period and a 150 second cycle length during the p.m. peak period. Note that these improvements may require controller or communications upgrades.*
- *<u>Mace Boulevard between Alhambra Drive and Cowell Boulevard:</u> Coordinate traffic signals, optimize signal timings, and operate with a 150 second cycle length during the a.m. and p.m. peak periods. Note that these improvements may require controller or communications upgrades.*
- *<u>West Covell Boulevard/SR 113 Southbound Ramps:</u> Construct a second westbound left-turn lane and a second receiving lane on the southbound on-ramp.*
- *<u>West Covell Boulevard/SR 113 Northbound Ramps:</u> Modify the northbound off-ramp to consist of three lanes approaching West Covell Boulevard, including one left-turn lane, one shared left/through/right lane, and one right-turn lane. Construct a second eastbound left-turn lane.*
- *<u>Mace Boulevard/Second Street/County Road 32A:</u> Modify the northbound approach to consist of five lanes, including two left-turn pockets, two through lanes, and a right-turn pocket.*
- *<u>Mace Boulevard/I-80 Eastbound Slip On-Ramp:</u> Extend the on-ramp and relocate the ramp meter 500 feet east of its current location.*

- *<u>Mace Boulevard/Chiles Road:</u> Modify the southbound channelized right-turn lane to a standard right-turn lane.*
- *<u>Chiles Road/I-80 Eastbound Off-Ramp:</u> Modify the westbound approach to consist of a single through lane. Modify the eastbound approach to consist of two through lanes and begin the second through lane at the Hanlees Davis Toyota driveway.*
- *<u>Mace Boulevard between Second Street/County Road 32A and Chiles Road:</u> Construct bicycle and pedestrian facility improvements on this segment of Mace Boulevard. Potential improvement options include a Class I shared-use path, Class II bike lanes, or Class IV separated bikeways. Bicycle facility improvements should reduce the potential for conflicts involving bicyclists at intersections, crossings, and other mixing zones, including (but not limited to) appropriate pavement markings, signage, and physical separation. Pedestrian facility improvement options include modifications to pedestrian crossings of free/channelized vehicular movements to reduce the speed of turning vehicles and to reduce pedestrian exposure to conflicting vehicular traffic.*

Implementation of Mitigation Measure 4.13-11 would reduce the Proposed Project/BRPA's contribution to cumulative impacts by reducing the potential for conflicts involving pedestrians and bicyclists, and would further reduce cumulative impacts by preventing off-ramp queues from spilling back onto the SR 113 and I-80 mainlines. However, elements of Mitigation Measure 4.13-11 would occur within California Department of Transportation (Caltrans) rights-of-way and would be subject to final approval and actions by Caltrans. Moreover, because the remaining fair share contributions needed for the construction of the improvements have not been identified by the relevant lead agency, fair share payment by the project applicant would not ensure construction. Therefore, the implementation and effectiveness of Mitigation Measure 4.13-11 cannot be guaranteed and the impact would be considered significant and unavoidable. (Draft EIR, pgs. 4.13-52 and 4.13-53).

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

H. UTILITIES AND SERVICE SYSTEMS

1. RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT DOES NOT HAVE ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS (IMPACT 4.14-3).

(a) Potential Impact. The potential for the Proposed Project/BRPA to result in a determination by the wastewater treatment provider which serves the project that it does not have adequate capacity to serve the proposed project's demand in addition to the provider's existing commitments is discussed on pages 2-10 and 2-11 of the Partially Recirculated Draft EIR.

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

(c) Explanation. Based upon the Partially Recirculated Draft EIR and the entire record before this City Council, this City Council finds that the impact related to the wastewater treatment provider not having adequate capacity to serve the proposed project in addition to the provider's existing commitments cannot be mitigated to a less-than-significant level. Brown & Caldwell has recently completed preliminary assessment of the WWTP capacity and tentatively confirmed that the WWTP may be at or nearing capacity for secondary treatment. The maximum influent ADWF from the proposed project is estimated to be approximately 0.264 mgd. Based on these preliminary results, it appears probable that adequate capacity may not exist to accommodate the proposed project's wastewater. Therefore, both the Proposed Project and the BRPA would result in a determination by the wastewater treatment provider which serves the project that it does not have adequate capacity to serve the proposed project's demand in addition to the provider's existing commitments, and a significant impact could occur.

Mitigation Measure(s). The following mitigation measure is prescribed to partially mitigate the impact. The City is currently working with Brown & Caldwell to identify the range of engineering options available to provide additional treatment capacity at the WWTP. The costs for the necessary upgrades to the WWTP will also need to be identified, and likely, included in the City's Capital Improvement Program.

Proposed Project, Biological Resources Preservation Alternative

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

Implementation of the mitigation measure would require the applicant to pay its fair share towards future expansion of the WWTP, but because the costs for the necessary upgrades are not yet included in the City's CIP, the remaining funds necessary to guarantee completion of the upgrades are uncertain. As a result, the project's impact is considered significant and unavoidable (Partially Recirculated Draft EIR, pgs. 2-10 and 2-11).

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project/BRPA related to the potential for the Proposed Project/BRPA to result in a determination by the wastewater treatment provider which serves the project that it does not have adequate capacity to serve the proposed project's demand in addition to the provider's existing commitments, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

2. INCREASE IN DEMAND FOR UTILITIES AND SERVICE SYSTEMS ASSOCIATED WITH THE PROPOSED PROJECT OR BRPA, IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS GENERAL PLAN (IMPACT 4.14-5).

(a) Potential Impact. The potential for the Proposed Project/BRPA to increase demand for utilities and service systems, in combination with future buildout of the City of Davis General Plan, is discussed on pages 2-11 through 2-14 of the Partially Recirculated Draft EIR.

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

(c) Explanation. Based upon the Partially Recirculated Draft EIR and the entire record before this City Council, this City Council finds that the impact related to increase in demand for utilities and service systems associated with the Proposed Project or BRPA (specifically related to WWTP capacity), in combination with future buildout of the City of Davis General Plan cannot be mitigated to a less-than-significant level. Brown & Caldwell has provided preliminary evidence that the WWTP is likely at or nearing capacity for secondary treatment. As a result, the proposed project/BRPA, in combination with reasonably foreseeable development could result in a significant impact related to WWTP capacity, and the project's incremental contribution could be cumulatively considerable.

Mitigation Measure(s). The following mitigation measure is prescribed to partially mitigate the impact. The City is currently working with Brown & Caldwell to identify the range of engineering options available to provide additional treatment capacity at the WWTP. The costs for the necessary upgrades to the WWTP will also need to be identified, and likely, included in the City's Capital Improvement Program.

Proposed Project, Biological Resources Preservation Alternative

4.14-5 Implement Mitigation Measure 4.14-3.

Implementation of the mitigation measure would require the applicant to pay its fair share towards future expansion of the WWTP, and other reasonably foreseeable cumulative projects would be required to pay Wastewater Capacity Charges, but because the costs for the necessary upgrades are not yet included in the City's CIP, the remaining funds necessary to guarantee completion of the upgrades are uncertain. As a result, the project's impact is considered significant and unavoidable (Partially Recirculated Draft EIR, pg. 2-13).

(d) Overriding Considerations. The environmental, economic, social and other benefits of the Proposed Project/BRPA override the remaining adverse impacts of the Proposed Project/BRPA related to the potential for the Proposed Project/BRPA to increase demand for utilities and service systems (specifically related to WWTP capacity), in combination with future buildout of the City of Davis General Plan, as more fully stated in Section X, Statement of Overriding Considerations Related to the Impacts of the Village Farms Davis Project Findings, below.

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

A. AESTHETICS

1. CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA (IMPACT 4.1-4).

(a) Potential Impact. The potential for the Proposed Project/BRPA to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is discussed on pages 4.1-16 through 4.1-18 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.1-18). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of the Proposed Project/BRPA approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the potential for the Proposed Project/BRPA to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.1-4. The Proposed Project/BRPA would change the site from an undeveloped agricultural property to a mixed-use development, therefore generating new sources of light and glare. The Proposed Project and the BRPA would be subject to General Plan Policy UD 3.2 and the City's Outdoor Lighting Control Ordinance, which would ensure that development does not result in new sources of substantial light. However, because the types of lighting and the specific locations have not yet been finalized, compliance with General Plan Policy UD 3.2 and the City's Outdoor Lighting Control Ordinance cannot be ensured and a significant impact could occur. Mitigation Measure 4.1-4 would require the developer to submit a lighting plan addressing limiting light trespass and glare on the project site/BRPA site through the use of shielding and directional lighting methods. After the implementation of the mitigation measure, any remaining impacts related to the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area would not be significant

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

Proposed Project, Biological Resources Preservation Alternative

4.1-4 *In conjunction with submittal of the first tentative subdivision map for the Proposed Project or Biological Resources Preservation Alternative (BRPA), the developer shall submit a lighting plan for the review and approval of the Chief Building Official and the Community Development Director of the City of Davis. The lighting plan shall address limiting light trespass and glare on the project site/BRPA site through the use of shielding and directional lighting methods, which may include, but is not limited to, fixture location and height. The lighting plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.*

2. CREATION OF NEW SOURCES OF LIGHT OR GLARE ASSOCIATED WITH DEVELOPMENT OF THE PROPOSED PROJECT OR BIOLOGICAL RESOURCES PRESERVATION ALTERNATIVE IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.1-7).

(a) Potential Impact. The potential for the Proposed Project and BRPA to create new sources of light or glare associated with development of the Proposed Project or BRPA in combination with future buildout of the City of Davis is discussed on pages 4.1-21 through 4.1-22 of the Draft EIR.

(b) Findings. Less than cumulatively considerable with mitigation incorporated. (Draft EIR, pg. 4.1-22). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's creation of new sources of light or glare associated with development of the Proposed Project or BRPA in combination with future buildout of the City of Davis would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.1-7. Cumulative development throughout the General Plan planning area, particularly conversion of agricultural or currently vacant sites to urban uses, would increase the sources of light and glare, which would have the potential to contribute to sky glow in the area and result in a significant cumulative impact. However, cumulative development within the General Plan planning area, including the Proposed Project or the BRPA and future projects within the project vicinity, would be subject to existing regulations and guidelines related to light and glare. Thus, compliance with existing regulations and guidelines would ensure that buildout of the City's planning area, as well as present and future probable projects, would not create new sources of substantial light or glare. However, without the implementation of Mitigation Measures 4.1-4 at the time of construction, the Proposed Project and BRPA could create a new source of substantial

light or glare that would adversely affect day or nighttime views in the cumulative setting, and the contribution of the Proposed Project and BRPA to the cumulative significant impact could be cumulatively considerable. Mitigation Measure 4.1-7 would require the developer to submit a lighting plan addressing limiting light trespass and glare on the project site/BRPA site through the use of shielding and directional lighting methods. After the implementation of the mitigation measure, any remaining impacts related to the creation of new sources of light or glare associated with development of the Proposed Project or BRPA in combination with future buildout of the City of Davis would be reduced and therefore the significant cumulative impact would be reduced to a less than cumulatively considerable level.

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

Proposed Project, Biological Resources Preservation Alternative

4.1-7 Implement Mitigation Measure 4.1-4.

1. GENERATE GHG EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, OR CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GHGS DURING CONSTRUCTION (IMPACT 4.3-7).

(a) Potential Impact. The potential for the Proposed Project and the BRPA to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during construction is discussed on pages 4.3-69 through 4.3-74 of the Draft EIR.

(b) Findings. Less than cumulatively considerable with mitigation incorporated. (Draft EIR, pg. 4.3-71). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that impacts related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during construction would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.3-7(a) and 4.3-7(b). Construction-related GHG emissions can marginally contribute to global climate change, thus the YSAQMD recommends GHG analysis consistent with the Sacramento Metropolitan

Air Quality Management District's (SMAQMD) thresholds of significance. For construction-related GHG emissions, the SMAQMD has adopted a threshold of significance of 1,100 metric tons of carbon dioxide equivalent ($MTCO_2e$/yr). The total unmitigated construction emissions associated with both the Proposed Project and the BRPA would exceed the SMAQMD 1,100 $MTCO_2e$/yr threshold of significance. As a result, construction of the Proposed Project and BRPA could result in a cumulatively considerable incremental contribution to the significant cumulative impact. Mitigation Measure 4.3-7(a) requires the use of renewable diesel fuel in all off-road equipment greater than 25 horsepower, which would reduce construction-related GHG emissions associated with the Proposed Project to below the applicable SMAQMD threshold of significance. Furthermore, Mitigation Measure 4.3-7(b) outlines several options for reducing construction related GHG emissions for the BRPA, which would be required to ensure construction-related GHG emissions would be below the applicable SMAQMD threshold of significance. After the implementation of the mitigation measures, any remaining impacts related to the generation of GHG emissions during construction would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

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

The project applicant shall show on the plans via notation that the contractor shall ensure that all off-road vehicles 25 horsepower or more to be used in the construction of the Proposed Project, including owned, leased, and subcontractor vehicles, shall be fueled by renewable diesel.

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

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

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

Biological Resources Preservation Alternative

4.3-7(b) *Prior to the initiation of construction of Phase 1 the BRPA, the project applicant shall demonstrate that construction-related GHG emissions would be reduced to 1,100 $MTCO_2e$/yr and shall submit proof to the City of Davis Community Development Department.*

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

- *Modify the construction schedule to reduce the intensity of construction to lower emissions;*
- *Ensure that phases of development do not overlap;*
- *Improve fuel efficiency from construction equipment by:*
  - *Minimizing idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes (five-minute limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site; and*
  - *Using equipment with new technologies (repowered engines, electric drive trains).*
- *Perform on-site emission reductions such as implementing on-site material hauling with trucks equipped with on-road engines (if determined to be less emissive than the off-road engines) or real, quantifiable, permanent, verifiable, and enforceable on-site emission reductions;*
- *Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power;*
- *Use a CARB-approved low carbon fuel for construction equipment; (NOX emissions from the use of low carbon fuel must be reviewed and increases mitigated.)*
- *Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes;*
- *Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones;*
- *Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75 percent by weight);*
- *Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products utilized should be certified through a sustainable forestry program;*
- *Minimize the amount of concrete for paved surfaces or utilize a low carbon concrete option;*

- *Produce concrete on-site if determined to be less emissive than transporting ready mix;*
- *Use SmartWay certified trucks for deliveries and equipment transport; and*
- *Develop a plan to efficiently use water for adequate dust control.*

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

If the quantified reduction measures do not reduce construction-related GHG emissions associated with Phase 1 of the BRPA to below 1,100 $MTCO_2e$/yr, offsite carbon credits may be purchased to make up the difference. The purchase of off-site mitigation credits shall be negotiated with the City and YSAQMD at the time that credits are sought. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2045. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by the City of Davis and/or the YSAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by YSAQMD.

C. BIOLOGICAL RESOURCES

1. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SPECIAL-STATUS PLANT SPECIES (IMPACT 4.4-1).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species is discussed on pages 4.4-57 and 4.4-62 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-58). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-1(a), 4.4-1(b), and 4.4-1(c). The Proposed Project would permanently impact all alkali milk-vetch and San Joaquin spearscale plants within the study area. In addition, based on the current development plan for the Proposed Project, the on-site alkali playa and nearby seasonal wetlands would be impacted, and any special-status plants occurring within those features could be impacted. In comparison, the BRPA would avoid all alkali milk-vetch and San Joaquin spearscale plants within the study area. While the BRPA would avoid most aquatic resources within the BRPA site, thus reducing the potential impact to special-status plant species, development of the BRPA would still result in permanent impacts to the on-site freshwater emergent marsh, and off-site seasonal wetland within the Western Program Study Area. Thus, should special-status plants become established within the foregoing habitats in the interim between surveys/analysis and construction, potential impacts to special-status plant species could occur during construction of the BRPA. Based on the above, the Proposed Project and BRPA could have a substantial adverse effect, either directly or through habitat modifications, on a plant species identified as a candidate, sensitive, or special-status species, and a significant impact could occur. Mitigation Measure 4.4-1(a) requires protocol-level special-status plant surveys conducted throughout the study area; Mitigation Measure 4.4-1(b) requires a Special-Status Plant Mitigation Plan be developed if any impacts would occur; and Mitigation Measure 4.4-1(c) requires a planning-level survey for the palmate-bracted bird's-beak. If palmate-bracted bird's beak is located, a 250-foot buffer zone will be implemented. After the implementation of the mitigation measures, any remaining impacts related to adverse effects on special-status plant species would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.4-1(a) *If construction does not commence by the end of 2027 (i.e., within three years from the date of Madrone's 2024 protocol-level plant surveys), protocol-level special-status plant surveys shall be conducted throughout the study area in accordance with the U.S. Fish and Wildlife Service (USFWS) Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants; the California Native Plant Society (CNPS) Botanical Survey Guidelines of the California Native Plant Society; and the California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating*

Impacts to Special Status Native Plant Populations and Natural Communities. The protocols require conducting surveys at the appropriate time of year, when plants are identifiable and in bloom and/or in fruit (which may include multiple visits to capture blooming and/or fruiting periods for all target plants), and includes ensuring that habitats are not disturbed prior to the survey so that any plants that are present may be documented. A report summarizing the results of the protocol-level special-status plant surveys shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department.

If, based on whichever is approved, the Proposed Project or Biological Resources Preservation Alternative (BRPA) avoids the special-status plants through an associated "Avoidance Zone," then further mitigation is not necessary. The size of the Avoidance Zone needed to prevent impacts may vary based on the plant species and its habitat requirements. If a special-status plant listed under the federal Endangered Species Act (FESA) or California Endangered Species Act (CESA) is found and is to be avoided, then an appropriate Avoidance Zone shall be developed in consultation with USFWS or CDFW, as applicable. If the species is not listed under FESA or CESA, an appropriate Avoidance Zone shall be developed by a qualified botanist in consultation with the City of Davis. Avoidance Zone areas may differ by species and site-specific conditions, and they shall be developed such that the avoided special-status plant population is likely to persist in perpetuity. Avoidance zones may be based on a fixed buffer distance from the special-status plant population, at the limit of a hydrologic break (such as Channel A), or as otherwise determined appropriate for the species in question. For plants associated with seasonal wetlands, the Avoidance Zone shall be 250 feet, but this zone may be as small as 50 feet for plant species that occur in uplands and do not appear to be associated with wetland hydrology.

4.4-1(b) *If any impacts (direct or indirect) would occur to special-status plants, a Special-Status Plant Mitigation Plan shall be developed and submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department (or USFWS or CDFW, as appropriate for FESA- or CESA-listed species). The Special-Status Plant Mitigation Plan shall be subject to review and approval by the City, USFWS, or CDFW (as appropriate, based on listing status) prior to issuance of a grading permit that would impact the plants. The project proponent shall mitigate according to one or a combination of the options below. It should be noted that the options are minimum recommendations; the USFWS and/or CDFW may require additional mitigation if the plants are FESA- or CESA-listed.*

- *<u>Indirect impacts</u>: Indirect impacts would occur if the Proposed Project or BRPA avoids the mapped populations, but affects a portion of an Avoidance Zone. The project proponent shall mitigate for indirect impacts through a 0.5:1 mitigation ratio*

(mitigation-to-impact), based on the acreage or number of plants that have impacts within an Avoidance Zone. If there are dense populations, acreage may be a better metric for dense population, while mitigation based on number of plants may be better for relatively few, widely scattered plants.

- *Direct impacts: Direct impacts would occur if grading or other direct disturbance occurs within mapped populations. The project proponent shall mitigate for direct impacts through a 1:1 ratio for preservation of an existing population, or a 2:1 ratio for relocation/translocation of impacted plants/seeds. The ratios may be based on the acreage of occupied habitat or number of plants. The metric shall be clearly defined in the Special-Status Plant Mitigation Plan.*
    - *Preservation: Identify one or more existing, unprotected populations of the special-status plant that would be impacted by the Proposed Project or BRPA in the project vicinity and protect the population in perpetuity by establishing a preserve on the land that supports those populations. Once the proposed mitigation area is approved by the City of Davis and/or USFWS/CDFW (as appropriate, based on listing status, if any), the mitigation area shall be protected by a recorded conservation easement or deed restriction and managed in accordance with a long-term management plan that maintains the habitats the conservation easement was established to protect (including the special-status plants). Additionally, a preserve management endowment shall be established to fund the long-term management outlined in the long-term management plan, or sufficient annual management funding shall be a condition of a Homeowner's Association, Community Services District, or other alternative as approved by the City of Davis or regulating agency.*

      As this option would preserve an existing, established population, temporal loss would not occur and the option would include low risk of failure. The 1:1 ratio may be based on the acreage of occupied habitat or number of plants; this metric shall be clearly defined in the Special-Status Plant Mitigation Plan. This option may be implemented at a mitigation/conservation bank if the target plant species is present at the bank. The Special-Status Plant Mitigation Plan shall describe how the purchase of bank credits translates into appropriate 1:1 preservation.
    - *Relocation and translocation: Mitigate impacts by establishment of a new special-status plant population or expansion of an existing special-status plant*

population. The proposed mitigation area may be on-site or off-site and shall be permanently protected by the recordation of a conservation easement or deed restriction, development of a long-term management plan that maintains the habitats that the conservation easement was established to protect, and establishment of a preserve management endowment or sufficient annual management funding as a condition of a Homeowner's Association, Community Services District, or other alternative, as approved by the City of Davis or regulating agency.

The project proponent shall locate and protect the mitigation area(s), translocate seeds or relocate perennial plants to the mitigation area(s), monitor the translocated/relocated seeds/plants for a minimum of five years, and meet established success criteria as detailed in the Special-Status Plant Mitigation Plan. The minimum success criterion for this option shall be a 2:1 replacement of directly impacted plants and 1:1 replacement for indirectly impacted plants by year five of monitoring (or as otherwise required by the regulatory agencies). This ratio may be based on the acreage of occupied habitat or number of plants. This metric shall be clearly defined in the Special-Status Plant Mitigation Plan.

If the success criteria are not met, then additional habitat shall be set aside as set forth by the Preservation requirements or as agreed upon by the City of Davis and/or USFWS/CDFW, as appropriate. Because population sizes for annual plants can vary widely from year to year, for relocation or translocation, population counts or acreage mapping shall be conducted in the last two years of monitoring, and the highest count or acreage shall be at least equivalent to the number of required replacement plants.

4.4-1(c) *If construction does not commence by the end of 2027 (i.e., within three years from the date of Madrone's 2024 protocol-level plant surveys), the following measure shall be required:*

<u>Yolo HCP/NCCP AMM11</u>: Palmate-bracted bird's-beak is covered by the Yolo HCP/NCCP only for the removal of suitable habitat and not for the removal of palmate-bracted bird's beak plants. This AMM ensures compliance with this provision. To determine if palmate-bracted bird's-beak is present and could be affected, the project proponent will conduct a planning-level survey for this species for any covered activities to be conducted within 250 feet of suitable habitat (as defined

in Appendix A, Covered Species Accounts). The survey will be conducted during the period from May 31 to September 30 and will be consistent with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Game 2009).

The project proponent will avoid occupied habitat where palmate-bracted bird's beak has been located within any of the last 15 years (seed viability could be as little as three years and as much as six years, as described in Appendix A, Section A.1.2, Species Description and Life History). The project proponent also will avoid any new occurrences of this species identified during planning-level surveys. Avoidance will require a 250-foot setback from the occupied habitat, or greater distance depending on site-specific topography to avoid hydrologic effects. A shorter buffer distance may apply if is determined to avoid effects and is approved by the Conservancy, USFWS, and CDFW. Mortality of palmate-bracted bird's beak individuals will be avoided, except as needed through management activities that provide an overall benefit to the species.

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on Crotch's bumble bee is discussed on pages 4.4-62 through 4.4-69 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-65). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on Crotch's bumble bee would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-2. Crotch's bumble bee is considered to have moderate potential to occur within the California Annual Grassland Alliance land cover and unplowed portions of the Alkali Prairie land cover in the study area. Under the Proposed Project, 2.7 acres of California Annual Grassland Alliance land cover in the Western Program Study Area could be impacted, and approximately 26 acres of the unplowed portions of the Alkali Prairie land cover would be permanently impacted. The BPRA would preserve the majority of the Alkali Prairie land cover, reducing the potential impacts to Crotch's bumble bee significantly as compared to the Proposed Project. However, without completion of protocol-level preconstruction surveys of

areas that would be disturbed to confirm the presence/absence of Crotch's bumble bee, a significant impact could occur. Mitigation Measure 4.4-2 requires, if feasible, initial ground-disturbing activities to take place outside of the colony active period, and if not feasible, a preconstruction survey for special-status bumble bees in the area(s) proposed for impact. If special-status bees are located, and after coordination with the California Department of Fish and Wildlife (CDFW) take of special-status bumble bees cannot be avoided, the project proponent shall obtain an Incidental Take Permit (ITP) from CDFW, and the project proponent shall implement all conditions identified in the ITP, discussed further in the Draft EIR. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on Crotch's bumble bee would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.4-2 *The provisions contained herein only apply if Crotch's bumble bee remains a candidate species or is listed under CESA at the commencement of construction. Following CDFW's status report on Crotch's bumble bee, if the California Fish and Game Commission finds that the petitioned action is not warranted, the provisions contained herein shall not be required.*

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

The survey shall occur during the period from one hour after sunrise to two hours before sunset, with temperatures between 65 degrees Fahrenheit and 90 degrees Fahrenheit, with low wind and zero rain. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying biologist shall select the most appropriate days based on the National Weather Service seven-day forecast and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present within the area proposed for impact, and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral

resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources. Suitable floral resources for Crotch's bumble bee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae. Suitable floral resources for western bumble bee include species in the following families: Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera Eriogonum and Penstemon.

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

- *Search areas with floral resources for foraging bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumble bees are present;*
- *If special-status bumble bees are observed, watch any special-status bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest;*
- *Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat;*
- *If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of a minimum of four inches to assist with locating the nest;*
- *Look for concentrated special-status bumble bee activity;*
- *Listen for the humming of a nest colony; and*
- *If bumble bees are observed, attempt to photograph the individual and identify it to species.*

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

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

If any sign(s) of a bumble bee nest is observed, and if the species present cannot be established as a common bumble bee, then

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

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

3. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SPECIAL-STATUS BRANCHIOPODS (IMPACT 4.4-3).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial effect, either directly or through habitat modifications, on special-status branchiopods is discussed on pages 4.4-69 through 4.4-71 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-70). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on special-status branchiopods would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-3. Approximately 9.812 acres of occupied vernal pool tadpole shrimp habitat, including alkali playa and wetland ditch basin, are present within the study area. All 9.812 acres of vernal pool tadpole shrimp would be permanently filled as part of the Proposed Project. The BRPA would avoid 9.789 acres of vernal pool tadpole shrimp habitat, thus reducing potential impacts related to special-status branchiopods as compared to the Proposed Project. However, 0.023-acre of vernal pool tadpole shrimp habitat would be permanently filled and potential off-site activities associated with the grade-separated crossing in the Western Program Study Area could result in potential impacts to 0.104-acre of seasonal wetland. As such, mortality of vernal pool tadpole shrimp, as well as permanent loss of suitable

habitat, would occur during construction of both the Proposed Project and the BRPA, leading to a significant impact. Mitigation Measure 4.4-3 requires the project proponent to consult with the United States Fish and Wildlife Service (USFWS) regarding impacts to federally listed vernal pool tadpole shrimp prior to construction if occupied aquatic habitat is located in the Proposed Project/BRPA development areas. Possible actions required by the USFWS include fencing off avoided habitat; worker awareness training; preservation, restoration, or enhancement of habitat on- or off-site to compensate for indirect and/or direct effects; purchase of habitat credits (the mitigation ratio for habitat preservation is generally 2:1) from an agency-approved mitigation/conservation bank; working with a local land trust to preserve land; or any other method acceptable to USFWS. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on special-status branchiopods would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-3 *If occupied aquatic habitat is located in planned development areas associated with the Proposed Project or BRPA, the project proponent shall consult with the USFWS regarding impacts to federally listed vernal pool tadpole shrimp prior to the approval by the City of Davis of any permit authorizing construction.*

The project proponent shall obtain and comply with any conditions of the appropriate take authorization from the USFWS. The conditions in the take authorization may include, but shall not be limited to, fencing off avoided habitat; worker awareness training; preservation, restoration, or enhancement of habitat on- or off-site to compensate for indirect and/or direct effects; purchase of habitat credits (the mitigation ratio for habitat preservation is generally 2:1) from an agency-approved mitigation/conservation bank; working with a local land trust to preserve land; or any other method acceptable to USFWS.

4. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON MONARCH BUTTERFLY (IMPACT 4.4-4).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on monarch butterfly is discussed on pages 4.4-71 through 4.4-72 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-71). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on monarch butterfly would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-4. Monarch butterfly habitat areas, consisting of several strands of narrowleaf milkweed, are proposed for permanent impacts under the Proposed Project, which could lead to incidental mortality. Under the BRPA, most of the habitat areas would be avoided. However, isolated milkweed plants scattered throughout the study area could still be permanently impacted by BRPA construction activities. Under both the Proposed Project and the BRPA, additional habitat for monarch butterfly occurs in areas that could be disturbed as part of potential future construction activities within the off-site Western and Eastern Program Study Areas. Based on the above, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on monarch butterfly, and a significant impact could occur. Mitigation Measure 4.4-4 requires a preconstruction survey be conducted by a qualified biologist if construction occurs during the time when milkweed plants may host monarch eggs or caterpillars. If eggs, caterpillars, or pupae are found, the plants shall be avoided with a 50-foot buffer until metamorphosis is completed and adult butterflies emerge and leave the host plant. If the eggs, larvae, or chrysalises cannot be avoided, all eggs, larvae, and chrysalises, including the portion of the plant to which they are attached, shall be translocated to an alternative location. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on monarch butterfly would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-4 *The provisions contained herein only apply if monarch butterfly remains proposed for listing under FESA at the commencement of construction.*

If construction occurs during the time when milkweed plants may host monarch eggs or caterpillars (approximately mid-March through late September), a preconstruction survey shall be conducted by a qualified biologist within the proposed impact area and a 50-foot buffer in accessible areas for the presence of eggs, larvae (i.e., caterpillars), or pupae, at most, 14 days prior to plant removal. Additionally, other plants immediately adjacent to milkweed plants shall also be searched for chrysalises. If eggs, caterpillars, or pupae are not detected, additional protection measures are not necessary.

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

If eggs, caterpillars, or pupae are found, the plants shall be avoided with a 50-foot buffer until metamorphosis is completed and adult butterflies emerge and leave the host plant. If the eggs, larvae, or chrysalises cannot be avoided, all eggs, larvae, and chrysalises, including the portion of the plant to which they are attached, shall be translocated to an alternative location. The location must be a minimum of 50 feet outside of the impact area and contain a similarly sized or larger population of larval host plants. The portions of the plants supporting eggs or chrysalises shall be tied to the live stem of the avoided larval host plant while caterpillars shall be placed directly on a stem or leaf of a larval host plant. Should the species be listed under FESA in the future, coordination with USFWS shall be conducted prior to translocation.

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

(a) Potential Impact. The potential for the Proposed Project to have a substantial adverse effect, either directly or through habitat modifications, on Valley Elderberry Longhorn Beetle (VELB) is discussed on pages 4.4-72 through 4.4-74 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-73). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on VELB would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-5. The 23 elderberry shrubs inside or within 100 feet of the project site/BRPA site represent potential habitat for VELB. Under both the Proposed Project and the BRPA, one elderberry shrub would be permanently impacted, and an additional 22 elderberry shrubs would be indirectly impacted by construction activities. If VELB larvae are present within the elderberry shrubs when the shrubs are removed or harmed, incidental mortality of larvae could occur. Therefore, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on VELB, and a significant impact could occur. Mitigation Measure 4.4-5 requires the project proponent to retain a qualified biologist to map all elderberry shrubs in and within 100 feet of the project footprint and implement buffer zones or

transplantation if the elderberry shrub cannot be avoided. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on VELB would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-5 *Yolo HCP/NCCP AMM12: The project proponent will retain a qualified biologist who is familiar with valley elderberry longhorn beetle and evidence of its presence (i.e., exit holes in elderberry shrubs) to map all elderberry shrubs in and within 100 feet of the project footprint with stems that are greater than one inch in diameter at ground level. To avoid take of valley elderberry longhorn beetle fully, the project proponent will maintain a buffer of at least 100 feet from any elderberry shrubs with stems greater than one inch in diameter at ground level. AMM1, Establish Buffers, describes circumstances in which a lesser buffer may be applied. For elderberry shrubs that cannot be avoided with a designated buffer distance as described above, the qualified biologist will quantify the number of stems one inch or greater in diameter to be affected, and the presence or absence of exit holes. The Conservancy will use this information to determine the number of plants or cuttings to plant on a riparian restoration site to help offset the loss, consistent with Section 6.4.2.4.1, Valley Elderberry Longhorn Beetle. Additionally, prior to construction, the project proponent will transplant elderberry shrubs identified within the project footprint that cannot be avoided.*

Transplantation will only occur if a shrub cannot be avoided and, if indirectly affected, the indirect effects would otherwise result in the death of stems or the entire shrub. If the project proponent chooses, in coordination with a qualified biologist, not to transplant the shrub because the activity would not likely result in death of stems of the shrub, then the qualified biologist will monitor the shrub annually for a five-year monitoring period. The monitoring period may be reduced with concurrence from the wildlife agencies if the latest research and best available information at the time indicates that a shorter monitoring period is warranted. If death of stems at least one inch in diameter occurs within the monitoring period, and the qualified biologist determines that the shrub is sufficiently healthy to transplant, the project proponent will transplant the shrub as described in the following paragraph, in coordination with the qualified biologist. If the shrub dies during the monitoring period, or the qualified biologist determines that the shrub is no longer healthy enough to survive transplanting, then the Conservancy will offset the shrub loss consistent with the preceding paragraph.

The project proponent will transplant the shrubs into a location in the HCP/NCCP reserve system that has been approved by the Conservancy. Elderberry shrubs outside the project footprint but within the 100-foot buffer will not be transplanted.

Transplanting will follow the following measures:

1. *Monitor: A qualified biologist will be on-site for the duration of the transplanting of the elderberry shrubs to ensure the effects on elderberry shrubs are minimized.*
2. *Timing: The project proponent will transplant elderberry plants when the plants are dormant, approximately November through the first two weeks of February, after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the plant and increase transplantation success.*
3. *Transplantation procedure:*

    a. *Cut the plant back three to six feet from the ground or to 50 percent of its height (whichever is taller) by removing branches and stems above this height. Replant the trunk and stems measuring one inch or greater in diameter. Remove leaves that remain on the plants.*
    b. *Relocate plant to approved location in the reserve system, and replant as described in Section 6.4.2.4.1, Valley Elderberry Longhorn Beetle.*

6. IMPACTS TO WESTERN SPADEFOOT EITHER DIRECTLY (E.G., CAUSE A WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE AN ANIMAL COMMUNITY) OR THROUGH SUBSTANTIAL HABITAT MODIFICATIONS (IMPACT 4.4-6).

(a) Potential Impact. The potential for the Proposed Project/BRPA to impact western spadefoot either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications is discussed on pages 4.4-74 through 4.4-76 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-75). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to impact western spadefoot either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat

modifications would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-6. Under the Proposed Project, approximately 10.055 acres of alkali playa and wetland ditch, which provide suitable breeding habitat for western spadefoot, would be permanently impacted. In comparison, the BRPA would preserve the 47.1-acre Natural Habitat Area, which includes the majority of the Alkali Prairie land cover within the BRPA site. The alkali playa and a portion of the wetland ditches would be avoided, thereby reducing potential impacts to western spadefoot. However, approximately 0.017-acre of wetland ditch would be temporarily impacted by the BRPA. Additional habitat for western spadefoot occurs in areas that could be disturbed as part of potential future construction activities within the off-site Western Program Study Area for both the Proposed Project and the BRPA. Based on the above, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on western spadefoot. Thus, a significant impact could occur. Mitigation Measure 4.4-6 requires one nocturnal acoustic survey of all areas within 300 feet of suitable aquatic habitat prior to the commencement of construction and outlines the steps required if western spadefoots are identified. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on western spadefoot would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-6 *Prior to the commencement of construction, one nocturnal acoustic survey of all areas within 300 feet of suitable aquatic habitat shall be conducted during the spring prior to construction of the Proposed Project or BRPA. Acoustic surveys shall consist of walking through the area and listening for the distinctive snore-like call of the species. Timing and methodology for the aquatic and acoustic surveys shall be based on those described in Distribution of the Western Spadefoot (Spea hammondii) in the Northern Sacramento Valley of California, with Comments on Status and Survey Methodology. If both the aquatic survey and the nocturnal acoustic survey are negative, further mitigation shall not be necessary. A report summarizing the results of the aquatic survey and nocturnal acoustic survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department.*

If western spadefoots are identified within the study area during the surveys and the species is not a federally listed species or candidate species and is still a California Species of Special Concern, the following shall be conducted:

- *The tadpoles (as many as are reasonably possible to capture) shall be captured and relocated either to aquatic habitat to be avoided on-site (and implement the fencing requirement outlined below), or to an off-site open space preserve with*

suitable habitat in the vicinity of the project site/BRPA site. If western spadefoot are observed within aquatic habitat proposed for avoidance, then the project proponent may either relocate the tadpoles to an off-site open space preserve with suitable habitat in the vicinity of the project site/BRPA site, or install silt fence along the edge of the proposed impact area within 300 feet of the occupied aquatic habitat to prevent metamorphosed individuals from dispersing into the construction area.

If western spadefoots are identified within the study area during the surveys and the species is a federally listed species or a candidate for listing, the following shall be conducted:

- *The project proponent shall consult with the USFWS regarding impacts to western spadefoot from the Proposed Project or BRPA. The project proponent shall obtain and comply with any conditions of the appropriate take authorization from the USFWS. The conditions in the take authorization may include, but not necessarily be limited to, fencing off avoided habitat; worker awareness training; preservation, restoration, or enhancement of habitat on- or off-site to compensate for indirect and/or direct effects; purchase of habitat credits from an agency-approved mitigation/conservation bank; working with a local land trust to preserve land; or any other method acceptable to USFWS.*

7. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON NORTHWESTERN POND TURTLE (IMPACT 4.4-7).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle is discussed on pages 4.4-76 through 4.4-77 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-77). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-7. Potential habitat for northwestern pond turtle that may be impacted occur in both the Proposed Project and the BRPA, both

under current proposed plans and potential future construction activities. If northwestern pond turtles are present during construction activities, individual turtles could be injured or killed by heavy equipment during initial grading activities. In addition, if northwestern pond turtles are present and/or nesting in the upland areas adjacent to Channel A, incidental mortality of individual turtles or eggs could occur during construction that occurs adjacent to the drainage. Based on the above, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle. Thus, a significant impact could occur. Mitigation Measure 4.4-7 requires a permanent buffer zone and a qualified biologist to monitor and move out of harm's way any turtles or hatchlings found during all initial ground disturbing activities After the implementation of the mitigation measure, any remaining impacts related to adverse effects on northwestern pond turtle would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-7 *Yolo HCP/NCCP AMM14: There are no specific design requirements for western pond turtle habitat, however, project proponents must follow design requirements for the valley foothill riparian and lacustrine and riverine natural communities described in AMMs 9 and 10, which require a 100-foot (minimum) permanent buffer zone from the canopy drip-line (the farthest edge on the ground where water will drip from the tree canopy, based on the outer boundary of the tree canopy). If modeled upland habitat will be impacted, a qualified biologist must be present and will assess the likelihood of western pond turtle nests occurring in the disturbance area (based on sun exposure, soil conditions, and other species habitat requirements). If a qualified biologist determines that there is a moderate to high likelihood of western pond turtle nests within the disturbance area, the qualified biologist will monitor all initial ground disturbing activity for nests that may be unearthed during the disturbance, and will move out of harm's way any turtles or hatchlings found.*

8. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON TRICOLORED BLACKBIRD (IMPACT 4.4-8).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird is discussed on pages 4.4-78 through 4.4-79 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-78). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-8. Potential nesting habitat for tricolored blackbird is not present on-site. However, the on-site Alkali Prairie and Grain and Hay Crops land covers represent potential foraging habitat for the species. Under the Proposed Project, 186.1 acres of tricolored blackbird foraging habitat would be permanently impacted. However, it should be noted that the loss of on-site foraging habitat would be offset by the Proposed Project's/BRPA's participation in the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and the payment of land conversion fees. Under the BRPA, 143.9 acres of tricolored blackbird foraging habitat would be permanently impacted. Based on the above, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on the tricolored blackbird. Thus, a significant impact could occur. Mitigation Measure 4.4-8 requires a qualified biologist to identify and quantify tricolored blackbird nesting and foraging habitat within 1,300 feet of project activity. If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s). After the implementation of the mitigation measure, any remaining impacts related to adverse effects on tricolored blackbird would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-8 *<u>Yolo HCP/NCCP AMM21</u>: The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008).*

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

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

9. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON BURROWING OWL (IMPACT 4.4-9).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl is discussed on pages 4.4-79 through 4.4-84 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-80). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-9. Burrowing owl is considered to have high potential to occur within the study area. The Proposed Project would permanently impact approximately 53.3 acres of potential burrowing owl habitat. If ground disturbance occurs while burrowing owls are occupying the on-site burrows, individuals could be directly impacted by the Proposed Project. In comparison, the BRPA would permanently impact approximately 23.1 acres of potential burrowing owl habitat. While potential impacts to burrowing owl would be reduced relative to those associated with the Proposed Project, if ground disturbance occurs while burrowing owls are occupying burrows within either the project site or the BRPA site, individuals could be directly impacted. In addition, portions of the Western and Eastern Program Study Areas also contain suitable burring owl habitat. Given enough time, burrowing owls could colonize the project site and off-site Western and Eastern Program Study Areas in the interim

between surveys/analysis and commencement of construction activities. Based on the above, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on the burrowing owl. Thus, a significant impact could occur. Mitigation Measure 4.4-9 requires the project applicant to comply with Yolo HCP/NCCP Avoidance and Minimization Measure (AMM) 18, which includes retaining a qualified biologist to conduct planning-level surveys and identify western burrowing owl habitat. If burrowing owls are identified during the planning-level survey, the project proponent will minimize activities that will affect occupied habitat as described in the Draft EIR. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on burrowing owl would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-9 *The project applicant shall comply with Yolo HCP/NCCP AMM18. However, should the Yolo HCP/NCCP be modified with respect to burrowing owl coverage in the future given the recent change in the species' status, the project applicant shall comply with the Yolo HCP/NCCP provisions pertaining to burrowing owl as they exist at the time of permit issuance.*

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

If burrowing owls are identified during the planning-level survey, the project proponent will minimize activities that will affect occupied habitat as follows. Occupied habitat is considered fully avoided if the project footprint does not impinge on a nondisturbance buffer around the suitable burrow. For occupied burrowing owl nest burrows, this nondisturbance buffer could range from 150 to 1,500 feet (Table 4-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls [incorporated as Table 4.4-7 of this chapter]), depending on the time of year and the level of disturbance, based on current guidelines (California Department of Fish and Game 2012). The Yolo HCP/NCCP generally defines low, medium, and high levels of disturbances of burrowing owls as follows.

- *<u>Low</u>: Typically 71-80 dB, generally characterized by the presence of passenger vehicles, small gas-powered engines (e.g., lawn mowers, small chain saws, portable generators), and*

high-tension power lines. Includes electric hand tools (except circular saws, impact wrenches and similar). Management and enhancement activities would typically fall under this category. Human activity in the immediate vicinity of burrowing owls would also constitute a low level of disturbance, regardless of the noise levels.

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

Table 4.4-7
Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls

Time of Year	Level of Disturbance (feet) from Occupied Burrows		
	Low	Medium	High
April 1-August 15	600	1,500	1,500
August 16-October 15	600	600	1,500
October 16-March 31	150	300	1,500

Source: Yolo Habitat Conservancy. Yolo County Habitat Conservation Plan/Natural Community Conservation Plan [Table 4-2]. April 2018.

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

If the project does not fully avoid direct and indirect effects on nesting sites (i.e., if the project cannot adhere to the buffers described above), the project proponent will retain a qualified biologist to conduct

preconstruction surveys and document the presence or absence of western burrowing owls that could be affected by the covered activity. Prior to any ground disturbance related to covered activities, the qualified biologist will conduct the preconstruction surveys within three days prior to ground disturbance in areas identified in the planning-level surveys as having suitable burrowing owl burrows, consistent with CDFW preconstruction survey guidelines (Appendix L, Take Avoidance Surveys). The qualified biologist will conduct the preconstruction surveys three days prior to ground disturbance. Time lapses between ground disturbing activities will trigger subsequent surveys prior to ground disturbance.

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

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

buffer, only with concurrence from CDFW and USFWS. If the burrow cannot be avoided by construction activity, the biologist will excavate and collapse the burrow in accordance with CDFW's 2012 guidelines to prevent reoccupation after receiving approval from the wildlife agencies.

If evidence of western burrowing owl is detected outside the breeding season (December 1 to January 31), the project proponent will establish a non-disturbance buffer around occupied burrows, consistent with Table 4-2 (incorporated as Table 4.4-7 of this chapter), as determined by a qualified biologist. Construction activities within the disturbance buffer are allowed if the following criteria are met to prevent owls from abandoning important overwintering sites:

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

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

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

burrow entrances by a qualified biologist during the nonbreeding season. These doors will be in place for 48 hours and monitored twice daily to ensure that the owls have left the burrow, after which time the biologist will collapse the burrow to prevent reoccupation. Burrows will be excavated using hand tools. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure, such as piping, into the burrow to prevent collapsing until the entire burrow can be excavated and it can be determined that no owls are trapped inside the burrow. The Conservancy may allow other methods of passive or active relocation, based on best available science, if approved by the wildlife agencies. Artificial burrows will be constructed prior to exclusion and will be created less than 300 feet from the existing burrows on lands that are protected as part of the reserve system.

10. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SWAINSON'S HAWK OR WHITE-TAILED KITE (IMPACT 4.4-10).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk or white-tailed kite is discussed on pages 4.4-84 through 4.4-87 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-86). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk or white-tailed kite would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-10. The large trees throughout the project site/BRPA site provide suitable nesting habitat to accommodate Swainson's hawk and white-tailed kite. In addition, Swainson's hawk and white-tailed kite have been observed foraging in suitable habitats throughout the project site and off-site Western Program Study Area, including the Alkali Prairie, California Annual Grassland Alliance, Semiagricultural, and Grain and Hay Crops land covers. Under the Proposed Project, approximately 952 trees that could be used by Swainson's hawks and white-tailed kite for nesting throughout the project site would be impacted. A total of approximately 213.2 acres that represent Swainson's hawk and white-tailed kite foraging habitat would also be permanently impacted, potentially indirectly impacting the species. Under the BRPA, 394 trees that could be used by Swainson's hawks and white-tailed kite for nesting throughout the BRPA site would be impacted. A total of approximately 166.7 acres that represent Swainson's hawk and white-tailed kite

foraging habitat would also be permanently impacted. While potential impacts would be reduced as compared to the Proposed Project, the BRPA, as well as the Proposed Project, could have a substantial adverse effect on Swainson's hawk and white-tailed kite foraging habitat, representing a significant impact. Mitigation Measure 4.4-10 requires the project proponent to retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat. If a construction project cannot avoid potential nest trees by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests and establish a temporary nest disturbance buffer; tree pruning or removal of the nest tree shall not occur during the period between March 1 and August 30. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on Swainson's Hawk or white-tailed kite would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-10 *Yolo HCP/NCCP AMM16: The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.*

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

nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.

For covered activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

11. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON NORTHERN HARRIER, OTHER NESTING BIRDS, AND OTHER RAPTORS PROTECTED UNDER THE MBTA AND CFGC (IMPACT 4.4-11).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on northern harrier, other nesting birds, and other raptors protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) is discussed on pages 4.4-87 and 4.4-88 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-87). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on northern harrier, other nesting birds, and other raptors protected under the MBTA and CFGC would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-11. Northern harrier and other nesting birds and raptors protected by the MBTA and CFGC have the potential to be present and nest within the project site/BRPA site and off-site Western and Eastern Program Study Areas. If such species are actively nesting within trees, shrubs, or ground cover planned for removal during construction, incidental mortality of individuals could occur. Furthermore, construction activities adjacent to birds nesting in avoided areas could result in nest abandonment. Based on the above, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on nesting songbirds and raptor species protected under the MBTA and CFGC. Thus, a significant impact could occur. Mitigation Measure 4.4-11 requires a preconstruction nesting bird survey

be conducted by a qualified biologist if construction activities take place during the typical bird breeding/nesting season (February 15 through August 31). If active raptor nests are found, construction activities shall not take place within 500 feet of the nest until the young have fledged. Additionally, if active songbird nests are found, a 100-foot non-disturbance buffer shall be established. Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the biologist has been conducted and a report has been prepared indicating that the nest (or nests) are not active any longer, and that new nests have not been identified. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on northern harrier, other nesting birds, and other raptors protected under the MBTA and CFGC would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-11 *If construction activities take place during the typical bird breeding/nesting season (February 15 through August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist throughout the project site/BRPA site and all accessible areas within a 500-foot radius of proposed construction areas, at most, 14 days prior to the commencement of construction. If a break in construction activity of more than 14 days occurs, then subsequent surveys shall be conducted. A report summarizing the survey(s) shall be provided to the City of Davis Community Development Department and Public Works Utilities and Operations Department within 30 days of the completed survey and is valid for one construction season. If nests are not found, further mitigation is not required.*

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

If the nest buffer is reduced but construction activities cause a nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest in a way that would be considered a result of construction activities, then the exclusionary buffer shall be

increased such that activities are far enough from the nest to stop the agitated behavior. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the City.
Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the biologist has been conducted and a report has been prepared indicating that the nest (or nests) are not active any longer, and that new nests have not been identified.

12. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON SPECIAL-STATUS ROOSTING BATS (IMPACT 4.4-12).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on special-status roosting bats is discussed on pages 4.4-88 through 4.4-89 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-89). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on special-status roosting bats would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-12. Pallid bat, silver-haired bat, and hoary bat are considered to have high potential to occur within the study area, as the trees and the on-site remnants of the former rural residence provide habitat for the foregoing special-status bat species. Additional habitat for special-status bats occurs in areas that could be disturbed as part of potential future construction activities within the off-site Western and Eastern Program Study Areas under both the Proposed Project and the BRPA. As such, if special-status bats are roosting in trees proposed for removal during construction, the bats could be injured or killed. Based on the above, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on special-status roosting bat species. Thus, a significant impact could occur. Mitigation Measure 4.4-12 requires a preconstruction roosting bat survey be conducted by a qualified biologist within 14 days prior to any tree or structure removal that would occur during the breeding season (April through August). If roosting bats are found, exclusion shall be conducted by the qualified biologist in coordination with CDFW. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by the qualified biologist. After the implementation of the mitigation measure, any

remaining impacts related to adverse effects on special-status roosting bats would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-12 *A preconstruction roosting bat survey shall be conducted by a qualified biologist within 14 days prior to any tree or structure removal that would occur during the breeding season (April through August). A report summarizing the results of the preconstruction roosting bat survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department. If preconstruction surveys indicate that roosts of special-status bats are not present, or that roosts are inactive or potential habitat is unoccupied, further mitigation shall not be required. If roosting bats are found, exclusion shall be conducted by the qualified biologist in coordination with CDFW. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by the qualified biologist. Two-step tree removal involves removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree. Building exclusion methods may include such techniques as installation of passive one-way doors, or the installation of netting when the bats are not present to prevent their reoccupation. Once the bats have been excluded, tree or building removal may occur.*

13. HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON AMERICAN BADGER (IMPACT 4.4-13).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect, either directly or through habitat modifications, on American badger is discussed on page 4.4-90 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-90). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect, either directly or through habitat modifications, on American badger would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-13. Suitable habitat for American badger does not occur within

the project site/BRPA site. However, the species could use Channel A as a migration corridor between areas of suitable habitat. The Proposed Project and the BRPA would both involve extensive work in and around Channel A. If badgers are present within the work area, individuals could be directly impacted. Based on the above, the Proposed Project and the BRPA could have a substantial adverse effect, either directly or through habitat modifications, on the American badger. Thus, a significant impact could occur. Mitigation Measure 4.4-13 requires a preconstruction survey for American badger be conducted by a qualified biologist within 48 hours prior to the commencement of construction. If American badger or burrows with American badger are found on-site during the preconstruction survey, consultation with CDFW shall occur prior to the initiation of any construction activities, to determine an appropriate burrow excavation and/or relocation method. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on American badger would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-13 *Within 48 hours prior to the commencement of construction, a preconstruction survey for American badger shall be conducted by a qualified biologist. A report summarizing the results of the preconstruction survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department. If American badger or burrows with American badger are found on-site during the preconstruction survey, consultation with CDFW shall occur prior to the initiation of any construction activities, to determine an appropriate burrow excavation and/or relocation method. If American badger is not found, further mitigation shall not be required.*

14. HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CDFW OR USFWS (IMPACT 4.4-14).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect on any riparian habitat or other Sensitive Natural Communities identified in local or regional plans, policies, regulations or by the CDFW or USFWS is discussed on pages 4.4-91 through 4.4-94 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-92). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to have a substantial adverse effect on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-14(a) and 4.4-14(b). The on-site alkali vernal pools (i.e., the seasonal wetlands within the Alkali Prairie land cover) are classified as a Sensitive Natural Community pursuant to the Yolo HCP/NCCP. The 8.3 acre woody vegetation along Channel A is classified as Valley Foothill Riparian land cover, and existing trees and vegetation within the vicinity of the rerouted and expanded portion of Channel A would be removed, and new plantings would be installed in the area as part of the Proposed Project and BRPA. Under both the Proposed Project and the BRPA, a total of 6.1 acres of Valley Foothill Riparian land cover would be potentially impacted. Conversion of Valley Foothill Riparian land cover would be subject to applicable land cover conversion fees established by the Yolo HCP/NCCP for both projects. In addition, the Proposed Project and the BRPA would be required to comply with Yolo HCP/NCCP AMM9 and the regulations established by CFGC Section 1600 et seq. and may additionally require a permit from the USACE under Section 404 of the Clean Water Act (CWA). Based on the above, without compliance with the provisions of CFGC Section 1600, et seq., the Proposed Project and the BRPA could have a substantial adverse effect on riparian habitat, and a significant impact could occur under either development scenario. Mitigation Measure 4.4-14(a) requires buffer zones to be implemented, as further discussed in the Draft EIR. Mitigation Measure 4.4-14(b) requires the project component to apply for a Section 1600 Lake or Streambed Alteration Agreement (LSAA) from CDFW and for minimization and avoidance measures to be implemented. After the implementation of the mitigation measure, any remaining impacts related to adverse effects on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-14(a) *<u>Yolo HCP/NCCP AMM9</u>: The buffers for each sensitive natural community are as follows:*

- *Alkali prairie and vernal pools: The area necessary to provide the hydrologic conditions needed to support the wetlands within these natural communities (250 feet). Covered activities will avoid vernal pools or alkali seasonal wetlands by 250 feet, or other distance based on site specific topography to avoid*

indirect hydrologic effects. A buffer of less than 250 feet around vernal pools or alkali seasonal wetlands will be subject to wildlife agency concurrence that effects will be avoided. Considerations that may warrant a buffer of less than 250 feet may include topography (i.e., if the surrounding microwatershed extends less than 250 feet from the pool or wetland), intervening hydrologic barriers such as roads or canals, or other factors indicating that the proposed disturbance area does not contribute to the pool's hydrology. Other considerations may include temporary disturbance during the dry season where measures are implemented to avoid disturbance of the underlying claypan or hardpan, and the area is returned to pre-project conditions prior to the following rainy season.

- *Valley foothill riparian: One hundred feet from canopy drip-line. If avoidance is infeasible, a lesser buffer or encroachment into the sensitive natural community may be allowed if approved by the Conservancy and the wildlife agencies, based on the criteria listed in AMM1. Transportation or utility crossings may encroach into this sensitive natural community provided effects are minimized and all other applicable AMMs are followed.*
- *Lacustrine and riverine: Outside urban planning units, 100 feet from the top of banks. Within urban planning units, 25 feet from the top of the banks.*
- *Fresh emergent wetland: Fifty feet from the edge of the natural community.*

4.4-14(b) *Prior to the commencement of ground-disturbing activities, the project proponent shall apply for a Section 1600 Lake or Streambed Alteration Agreement (LSAA) from CDFW. The information provided shall include a description of all the activities associated with the Proposed Project or BRPA, not just those closely associated with the drainages and/or riparian vegetation.*

Impacts shall be outlined in the application and shall be in substantial conformance with the impacts to biological resources outlined in the Biological Resources Assessment prepared for the Village Farms Davis Project by Madrone Ecological Consulting. Impacts for each activity shall be broken down by temporary and permanent impacts, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be provided, as well as a description of stormwater treatment methods.

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

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

15. HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS (IMPACT 4.4-15).

(a) Potential Impact. The potential for the Proposed Project/BRPA to have a substantial adverse effect on State- or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means is discussed on pages 4.4-94 through 4.4-101 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated for the BRPA. (Draft EIR, pg. 4.4-99). Changes or alterations have been required in, or incorporated into, the BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the BRPA's potential to have a substantial adverse effect on State- or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-15(a) through 4.4-15(d). Approximately 0.648-acre of aquatic resources would be permanently impacted by the BRPA, as the inclusion of the Natural Habitat Area contains Alkali Prairie land cover. The BRPA would be subject to compliance with Yolo HCP/NCCP AMM9, AMM10, and would be required to obtain a Section 404 permit from the USACE and a Section 401 permit from the RWQCB. Without compliance with the Yolo HCP/NCCP or Section 404 and 401 of the CWA, the BRPA could have a substantial adverse effect on State- or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Therefore, a significant impact could occur. Mitigation Measures 4.4-15(a) through 4.4-15(d) require the incorporation of alkali wetland buffers, replacement habitat, compliance with National Pollutant Discharge Elimination System (NPDES) regulations, and for the project proponent to obtain a Section 404 permit from the USACE and a Section 401 permit from the RWQCB. After the implementation of the mitigation measures, any remaining

impacts associated with the BRPA related to adverse effects on State- or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means would not be significant.

Mitigation Measure(s). The following mitigation measures are prescribed to mitigate the impact of the BRPA. Even with mitigation measures, the Proposed Project's impacts would still be considered significant and unavoidable (see pages 16 through 18 of these Findings), while the BRPA's impacts can be mitigated to less than significant.

Proposed Project and Biological Resources Preservation Alternative

4.4-15(a) *Implement Mitigation Measure 4.4-14(a).*

4.4-15(b) *Yolo HCP/NCCP AMM10: Project proponents will comply with stormwater management plans that regulate development as part of compliance with regulations under National Pollutant Discharge Elimination System (NPDES) permit requirements. Covered activities that result in any fill of waters or wetlands will also comply with requirements under Section 404 of the Clean Water Act, State Water Resources Control Board (State Board), Fish and Game Code Section 1602, and Regional Board regulations. Other than requirements for buffers, minimizing project footprint, and species-specific measures for wetland-dependent covered species, this HCP/NCCP does not include specific best management practices for protecting wetlands and waters because they may conflict with measures required by the USACE, State Board, Regional Board, and CDFW.*

4.4-15(c) *Prior to the commencement of construction, the project proponent shall apply for a Section 404 permit from the U.S. Army Corps of Engineers (USACE). Waters that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE. Written verification of the Section 404 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.*

4.4-15(d) *Prior to the commencement of construction, the project proponent shall apply for a Section 401 water quality certification/waste discharge requirement from the Regional Water Quality Control Board (RWQCB), and adhere to the certification conditions. Written verification of the Section 401 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.*

16. CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE, OR HAVE A

SUBSTANTIAL ADVERSE EFFECT ON THE ENVIRONMENT BY CONVERTING OAK WOODLANDS OR IMPACTING INDIVIDUAL TREES (IMPACT 4.4-17).

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands or impacting individual trees is discussed on pages 4.4-102 through 4.4-104 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-104). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands or impacting individual trees would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-17. Under the Proposed Project, approximately 952 trees would be impacted and approximately 343 trees in avoidance areas along the northern portion of Covell Drain, in the Heritage Oak Park, and along the western edge of the project site would be avoided. Under the BRPA, approximately 394 trees would be impacted and approximately 901 trees in avoidance areas along a portion of the Covell Drain, in the Heritage Oak Park, along the western edge of the project site, and along Covell Boulevard would be avoided. Additionally, indirect effects from construction could occur to any trees that are avoided. Indirect effects could include compaction from adjacent construction, altered hydrology, or exposure to fungi or other pathogens. New trees would be planted as part of the Proposed Project and the BRPA, particularly along the enhanced Channel A. However, new trees would take time to mature and provide quality wildlife habitat, therefore resulting in a temporary loss of potential habitat. Based on the above, without compliance with the City of Davis Tree Ordinance, the Proposed Project and the BRPA could have a substantial adverse effect on the environment, and a significant impact could occur. Mitigation Measure 4.4-17 requires the project proponent to retain a certified arborist to conduct a tree inventory throughout the study area to identify impacts to city trees, street trees, and/or trees of significance, and to implement the mitigation requirements included in the City of Davis Tree Ordinance. After the implementation of the mitigation measure, any remaining impacts related to conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a

substantial adverse effect on the environment by converting oak woodlands or impacting individual trees would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-17 *Prior to the commencement of construction, the project proponent shall retain a certified arborist to conduct a tree inventory throughout the study area, the results of which shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department.*

If the project would result in impacts to city trees, street trees, and/or trees of significance, as defined by Davis Municipal Code Chapter 37, the potential impacts to such trees shall be mitigated in accordance with the City's Tree Ordinance. Final mitigation requirements shall be determined by the City of Davis and may include the following options:

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

17. CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN (IMPACT 4.4-18).

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan is discussed on pages 4.4-104 through 4.4-107 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.4-105). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to conflict with the

provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.4-18(a) through 4.4-18(g). Applicants of development projects within the Yolo HCP/NCCP permit area are required to complete a Yolo HCP/NCCP application package, which includes an application form, a project description, land cover mapping and planning-level surveys, verification of land cover impacts, an AMM plan, and fees or equivalent mitigation. Payment of land cover impact fees would support the regional preservation of foraging habitat for special-status species under the Yolo HCP/NCCP. In addition, pursuant to Yolo HCP/NCCP Chapter 4, the Yolo HCP/NCCP AMMs are intended to ensure that adverse effects on Covered Species and natural communities are avoided and minimized; the Proposed Project and BRPA would be subject to the applicable Yolo HCP/NCCP AMMs. However, without compliance with the aforementioned provisions of the Yolo HCP/NCCP, the project would result in a significant impact. Mitigation Measures 4.4-18(a) through 4.4-18(g) and require compliance with Yolo HCP/NCCP measures and the implementation of Mitigation Measures 4.4-1(c), 4.4-5, 4.4-7, 4.4-9, 4.4-10, 4.4-11, 4.4-14(a), and 4.4-15(b). After implementation of the mitigation measures, any remaining impacts related to conflicts with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.4-18(a) *Yolo HCP/NCCP AMM3: Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.*

4.4-18(b) *Yolo HCP/NCCP AMM4: To prevent injury and mortality of giant garter snake, western pond turtle, and California tiger salamander, workers will cover open trenches and holes associated with implementation of covered activities that affect habitat for these species or design the trenches and holes with escape ramps that can be used during non-working hours. The construction contractor will inspect open trenches and holes prior to filling and contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.*

4.4-18(c) *Yolo HCP/NCCP AMM5: Workers will minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.*

4.4-18(d) *Yolo HCP/NCCP AMM6: All construction personnel will participate in a worker environmental training program approved/authorized by the Conservancy and administered by a qualified biologist. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating the FESA and NCCPA Permits. A pre-recorded video presentation by a qualified biologist shown to construction personnel may fulfill the training requirement.*

4.4-18(e) *Yolo HCP/NCCP AMM7: Workers will direct all lights for nighttime lighting of project construction sites into the project construction area and minimize the lighting of natural habitat areas adjacent to the project construction area.*

4.4-18(f) *Yolo HCP/NCCP AMM8: Project proponents should locate construction staging and other temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they will be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land). Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following:*

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

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

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

4.4-18(g) Implement Mitigation Measures 4.4-1(c), 4.4-5, 4.4-7, 4.4-9, 4.4-10, 4.4-11, 4.4-14(a), and 4.4-15(b).

18. CUMULATIVE LOSS OF HABITAT FOR SPECIAL-STATUS SPECIES (IMPACT 4.4-19).

(a) Potential Impact. The potential for the BRPA to create cumulative impacts related to special-status species is discussed on pages 4.4-107 through 4.4-110 of the Draft EIR.

(b) Findings. Less than cumulatively considerable with mitigation incorporated for the BRPA. (Draft EIR, pg. 4.4-109). Changes or alterations have been required in, or incorporated into, the BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the BRPA's potential to create cumulative impacts related to special-status species would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.4-19. Buildout of the Proposed Project or BRPA, in combination with the foreseeable development projects and other development within the City of Davis, would result in a significant cumulative impact related to the loss of special-status species habitat. While either development scenario would result in the loss of a portion of the existing on-site habitat, the proposed parks, greenbelts, Northern Agricultural Area, UATA, and trail components would include a total of approximately 186.0 acres of green space preserved on-site under both the Proposed Project and BRPA, with the BRPA additionally preserving the 47.1-acre Natural Habitat Area, which is comprised of Alkali Prairie land cover and associated watershed. In addition to preserving 47.1 acre of Natural Habitat Area, the BRPA would be required to comply with all applicable Yolo HCP/NCCP AMMs and pay all applicable land cover conversion fees to address Covered Activities within the study area. With incorporation of the Mitigation Measures 4.4-14(a), 4.4-14(b), 4.4-15(a), 4.4-15(b), 4.4-15(c), and 4.4-15(d) of the Draft EIR, the BRPA's contribution to the cumulative significant impact would be less than cumulatively considerable.

Mitigation Measure(s). The following mitigation measure is prescribed to mitigate the impact of the BRPA. Even with mitigation, the Proposed Project's impacts would still be considered significant and unavoidable (see pages 18 and 19 of these Findings), while the BRPA's impacts can be mitigated to less than significant.

Proposed Project, Biological Resources Preservation Alternative

4.4-19 Implement Mitigation Measures 4.4-14(a), 4.4-14(b), 4.4-15(a), 4.4-15(b), 4.4-15(c), and 4.4-15(d).

D. CULTURAL AND TRIBAL CULTURAL RESOURCES

1. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE PURSUANT TO CEQA GUIDELINES, SECTION 15064.5 (IMPACT 4.5-1).

(a) Potential Impact. The potential for the Proposed Project/BRPA to cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines is discussed on pages 4.5-14 through 4.5-16 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.5-15). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.5-1. According to the Cultural Resources Study conducted for the project site/BRPA site, a segment of the California Pacific Railroad (P-57000977) that is located in the project site/BRPA site is eligible for inclusion on the California Register of Historical Resources Study (CRHR). During the field survey conducted for the Cultural Resources Study, the segment of railroad line was confirmed to be active. According to the Cultural Resources Study, the integrity of the California Pacific Railroad segment that is located in a small portion of the study area should be considered by an architectural historian when off-site improvements are proposed. Based on the above, development of the Proposed Project and BRPA could cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. Thus, a significant impact could occur. Mitigation Measure 4.5-1 requires improvement plans to be reviewed by an architectural historian prior to construction of any off-site improvements that could alter the railroad segment in order to ensure that the improvements are designed consistent with the guidelines outlined in The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. After the implementation of the mitigation measure, any remaining impacts related to causing a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.5-1 *Prior to construction of any off-site improvements that could alter the railroad segment (P-57-000977), improvement plans shall be reviewed by an architectural historian to ensure that the improvements are designed consistent with the guidelines outlined in The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. Proof of compliance with the aforementioned standards shall be submitted to the City of Davis Department of Community Development for review and approval.*

2. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A UNIQUE ARCHAEOLOGICAL RESOURCE PURSUANT TO CEQA GUIDELINES, SECTION 15064.5 (IMPACT 4.5-2).

(a) Potential Impact. The potential for the Proposed Project/BRPA to cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5 is discussed on pages 4.5-16 through 4.5-19 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.5-18). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5 would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.5-2. Based on landform age, the existing setting, and an analysis of sensitivity for buried archaeological site indicators, the Cultural Resources Study concluded that the study area has variable potential for buried sites, with portions of the site identified as having low potential and others as having high potential. Because the Proposed Project and BRPA would include development within the high sensitivity area, ground-disturbing activities associated with construction of the Proposed Project or the BRPA could uncover unknown archaeological resources beneath the ground surface. The Proposed Project and BRPA could cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5. Therefore, a significant impact could occur. Mitigation Measure 4.5-2 requires the City and Yocha

Dehe Wintun Nation (Tribe) to be notified if archaeological resources are encountered during subsurface excavation activities and for all construction activities within a 100-foot radius of the resource to cease, as well as further appropriate actions to be taken. After the implementation of the mitigation measure, any remaining impacts related to causing a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.5-2 *If archaeological resources are encountered during subsurface excavation activities, the City and Yocha Dehe Wintun Nation (Tribe) shall be notified immediately and all construction activities within a 100-foot radius of the resource shall cease. In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, treatment of all cultural items, including ceremonial items and archeological items shall reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archeological items, which may be found at the project site shall be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project proponent shall waive any and all claims to ownership of tribal ceremonial and cultural items, including archeological items, which may be found on the project site, in favor of the Tribe. If any intermediary is necessary (for example, an archaeologist retained by the project proponent), said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.*

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

The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of the foregoing requirements. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified cultural resources specialist and Native American

Representative from the Tribe. If the resource is determined to be significant under CEQA, the City and Native American Representative from the Tribe shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the Native American Representative from the Tribe shall prepare and implement a research design and archaeological data recovery plan for the resource. The cultural resources specialist, in consultation with the Native American Representative from the Tribe, shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System), and provide for the permanent curation of the recovered materials. The Tribe shall be afforded the opportunity to review all documents before submission to the appropriate information center.

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to disturb any human remains, including those interred outside of dedicated cemeteries is discussed on pages 4.5-19 through 4.5-21 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.5-20). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to disturb any human remains, including those interred outside of dedicated cemeteries, would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.5-3. According to the Cultural Resources Study, previous cultural resource studies that included the project site/BRPA site did not identify human remains within the site or its vicinity. However, the project site/BRPA site contains areas that are highly sensitive for buried archaeological site indicators, including those associated with the Native American peoples whose territory encompassed the site. Precontact sites often contain human remains. Thus, the Proposed Project and BRPA could disturb human remains, including those interred outside of dedicated cemeteries, and a significant impact could occur. Mitigation Measure 4.5-3 outlines the procedures required if Native American human remains are found during the course of the Proposed Project/BRPA. After the implementation of the mitigation measure, any remaining impacts related to the Proposed Project's/BRPA's potential to disturb any human

remains, including those interred outside of dedicated cemeteries, would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.5-3 *In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, if Native American human remains are found during the course of the proposed Project, the determination of Most Likely Descendant ("MLD") under California PRC Section 5097.98 shall be made by the Native American Heritage Commission ("NAHC"), upon notification to the NAHC of the discovery of said remains at the project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC shall contact the Tribe. A tribal member shall be designated by the Tribe to consult with the landowner and/or project proponents. Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.*

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

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

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

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

4. CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE, DEFINED IN PRC SECTION 21074 (IMPACT 4.5-4).

(a) Potential Impact. The potential for the Proposed Project/BRPA to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code (PRC) Section 21074, is discussed on pages 4.5-21 through 4.5-23 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.5-22). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.5-4(a) through 4.5-4(c). Based on the findings of the Cultural Resources Study, as well as the results of the Native American Heritage Commission Sacred Lands File (NAHC SLF) search, known tribal cultural resources do not occur within the project site/BRPA site or in its vicinity. Nevertheless, while background research and the field surveys did not indicate the presence of known tribal cultural resources, subsurface Native American resources could potentially be identified on the site and the off-site improvement areas during construction activities associated with the Proposed Project or BRPA. In the event that tribal cultural resources are discovered during such activities, the Proposed Project and BRPA could cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, a significant impact could occur. Mitigation Measure 4.5-4(a) requires for a member of Yocha Dehe Wintun Nation to conduct Cultural Sensitivity Training to the construction crew prior to commencement of ground disturbing activities. Mitigation Measure 4.5-4(b) requires the applicant to retain an archaeologist to prepare a written monitoring plan that describes the role of the tribal monitors, archaeological monitors, and developer's representatives, timelines for

advanced notification to Yocha Dehe Wintun Nation prior to grading, and the procedures to follow in the event archaeological/tribal remains are uncovered prior to commencement of construction activities. Mitigation Measure 4.5-4(c) requires a tribal monitor and archaeological monitor to be present during grading, excavating, and trenching of soils and deep excavation/trenching for sewer mains, storm drains, waterlines, etc. in all portions of the project site. After the implementation of the mitigation measures, any remaining impacts related to the potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074, would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.5-4(a) *Prior to commencement of ground disturbing activities, the applicant shall arrange for a member of Yocha Dehe Wintun Nation to conduct Cultural Sensitivity Training to the construction crew. Generally, the training would consist of a presentation to the construction crew about types of resources and evidence thereof, role of the Tribe, what to do if resources are uncovered, etc. To schedule Cultural Sensitivity Training prior to commencement of construction, the applicant shall contact the Cultural Resources Department Administrative Staff, Yocha Dehe Wintun Nation, Office (530) 796-3400, Email:* THPO@yochadehe-nsn.gov*. Proof of compliance with this measure shall be provided to the Davis Community Development Department.*

4.5-4(b) *Prior to commencement of construction activities, the applicant shall retain an archaeologist to prepare a written monitoring plan that describes the role of the tribal monitors, archaeological monitors, and developer's representatives, timelines for advanced notification to Yocha Dehe Wintun Nation prior to grading, and the procedures to follow in the event archaeological/tribal remains are uncovered. The procedures shall comply with Yocha Dehe Wintun Nation's "Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation." Proof of compliance shall be provided to the Davis Community Development Department.*

4.5-4(c) *During grading, excavating, and trenching of soils within the project site, a tribal monitor and archaeological monitor shall be present on-site, as determined in the monitoring plan.*

During deep excavation/trenching for sewer mains, storm drains, waterlines, etc. in all portions of the project site, a tribal monitor and archaeological monitor shall be present on-site, as determined in the monitoring plan.

The foregoing measures shall be included in the project's written monitoring plan, required in Mitigation Measure 4.5-4(b).

E. GEOLOGY AND SOILS

1. BE LOCATED ON A GEOLOGICAL UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN ON OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE, OR BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1B OF THE UNIFORM BUILDING CODE, CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY (IMPACT 4.6-3).

(a) Potential Impact. The potential for the Proposed Project/BRPA to cause impacts related to being located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial risks to life or property is discussed on pages 4.6-14 through 4.6-17 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-16). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to cause impacts related to being located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial risks to life or property would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.6-3. The Preliminary Geotechnical Evaluation prepared for the project site/BRPA site concluded that the potential exists for the Proposed Project or BRPA to be exposed to substantial risks related to subsidence or settlement, liquefaction, and expansive soils. From a geotechnical standpoint, provided that the recommendations included in the Preliminary Geotechnical Evaluation prepared for the Proposed Project or BRPA are implemented into the project design and specifications, the geological and soil conditions on the project site/BRPA site would be adequate to support development of the Proposed Project or BRPA. However, conformance with such recommendations cannot be ensured and a final design-level geotechnical engineering report has not yet been prepared. As a result, a significant impact could occur related to

subsidence/settlement, liquefaction, and/or expansive soils. Mitigation Measure 4.6-3 requires the project applicant to submit a design-level geotechnical engineering report prior to the final design approval and issuance of building permits for the Proposed Project/BRPA. The Draft EIR contains further detail about what the design-level geotechnical engineering report would address. After the implementation of the mitigation measure, any remaining impacts related to the potential to cause impacts related to being located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial risks to life or property, would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.6-3 *Prior to final design approval and issuance of building permits for the Proposed Project or BRPA, the project applicant shall submit a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer to the City of Davis Community Development Department and Public Works Department, for review and approval. The report shall include the results of a site-specific subsurface exploration, laboratory testing, and engineering analysis. The design-level report shall be performed after site configuration/layout has been established. The investigation shall include several exploratory borings and test pits throughout the project site/BRPA site to evaluate the potential presence of undocumented fill, tilled/disturbed soil thickness, liquefaction potential, and excavation characteristics. The design-level geotechnical engineering report shall evaluate soil expansion potential and include the results of a laboratory plasticity index and expansion index testing. The report shall include the geotechnical recommendations specified in the Preliminary Geotechnical Evaluation prepared for the Proposed Project and BRPA, unless it is determined in the design-level report that one or more recommendations need to be revised.*

The design-level geotechnical engineering report shall address, at a minimum, the following:

- *Compaction specifications and subgrade preparation for on-site soils;*
- *Structural foundations;*
- *Grading practices;*
- *Liquefaction potential; and*
- *Expansive/unstable soils, including fill.*

Prior to issuance of any improvement plans, the foundation and improvement plans shall incorporate design-level recommendations. All foundation and improvement plans shall be reviewed and approved by the City of Davis Public Works – Engineering and Transportation Department, and the City of Davis Community Development Department – Building Division prior to issuance of any building permits.

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to cause impacts related to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature is discussed on pages 4.6-17 through 4.6-18 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.6-17). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to cause impacts related to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.6-4. Two paleontological resource localities have been discovered within one mile of the project site/BRPA site. Although the project site/BRPA site does not contain any known paleontological resources or unique geologic features, given the undeveloped nature of the project site, the potential exists that a unique paleontological resource or site could be unearthed during project construction activities. Thus, development of the Proposed Project or BRPA could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. As a result, a significant impact could occur. Mitigation Measure 4.6-4 states that if paleontological resources are discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find and if deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution. After the implementation of the mitigation measure, any remaining impacts related to the potential to cause impacts related to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

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

F. HAZARDS AND HAZARDOUS MATERIALS

1. CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE LIKELY RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT (IMPACT 4.7-2).

(a) Potential Impact. The potential for the Proposed Project/BRPA to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment is discussed on pages 4.7-27 through 4.7-34 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.7-31). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.7-2(a) through 4.2-7(f). Site reconnaissance found that because the interior of the two-story water tank house within the former structure area

was inaccessible, there is potential for the presence of Asbestos-Containing Materials (ACMs), Lead-Based Paints (LBPs) and Lead Affected Soils which would be released during construction of the Proposed Project or BRPA, creating a potentially significant hazard to construction workers. Additionally, the geophysical survey conducted by the Urban Development Area Phase II Environmental Site Assessment (ESA) identified three anomalies throughout the project site/BRPA site that could be related to Underground Storage Tanks (USTs), found that 10 wells are located within the urban development area, and that a natural gas pipeline traverses the project site/BRPA site. Based on the findings of the Urban Development Area Phase II ESA, without proper abandonment of USTs (if present), avoidance or abandonment of on-site wells, and avoidance of the natural gas pipeline within the project site/BRPA site, the Proposed Project and BRPA could exacerbate existing hazardous conditions and create a significant hazard to the public or environment. Mitigation Measures 4.7-2 (a) through 4.7-2(f) outline the actions required before and during construction of the Proposed Project/BRPA in order to identify Recognized Environmental Conditions (RECs) and reduce their impact, and are discussed further in the Draft EIR. After the implementation of the mitigation measures, any remaining impacts related to the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment would not be significant.

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

Proposed Project and Biological Resources Preservation Alternative

4.7-2(a) *Prior to issuance of a demolition permit by the City for the on-site two-story tank house, shallow soil impacted by toxaphene at the former barn, shed, and trailer locations within the project site/Biological Resources Preservation Alternative (BRPA) site shall be removed and disposed of off-site in accordance with federal, State, and local regulations at an appropriate Class I or Class II facility permitted by the Department of Toxic Substances Control (DTSC), or other options implemented as deemed satisfactory by Yolo County Environmental Health Division (YCEHD) and/or DTSC. The removal and off-site disposal of soil impacted by toxaphene shall concurrently address the limited area where lead was detected at concentrations exceeding the screening level for residential soil in the Urban Development Area Phase II Environmental Site Assessment (ESA) prepared for the Proposed Project by Geocon Consultants, Inc. (Geocon). The soil removal shall be performed under the oversight of the YCEHD, unless the YCEHD defers oversight to a State agency. Verification soil sampling and laboratory analysis shall be required to demonstrate that the impacted soil was removed, and a completion report shall document the proper handling and disposal of the impacted soil. Results of soils sampling, analysis, and the completion report shall be submitted for review and approval to the City of Davis Department of*

Community Development and Public Works Utilities and Operations Department (PWUO).

4.7-2(b) *Prior to issuance of a demolition permit by the City for the on-site two-story tank house, the interior of the water tank house shall be surveyed for asbestos-containing materials (ACMs) in accordance with applicable Yolo-Solano Air Quality Management District (YSAQMD) regulations, including, but not necessarily limited to, Rule 9.9, Section 401. Written notification to YSAQMD shall be provided a minimum of 10 working days prior to commencement of any demolition activity, whether asbestos is present or not. The structure interior shall also be inspected for deteriorated (peeling/flaking) lead-based paint (LBP) prior to demolition activities. If LBP is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with California Air Resources Board recommendations and OSHA requirements. The demolition contractor shall be informed that all paint on the interior of the structure shall be considered as containing lead.*

The contractor shall follow all work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. Work practice standards generally include appropriate precautions to protect construction workers and the surrounding community, and appropriate disposal methods for construction waste containing lead paint or asbestos in accordance with federal, State, and local regulations subject to approval by the City Engineer.

4.7-2(c) *Prior to commencement of construction activities, the locations of the geophysical anomalies identified at the former barn and residence locations identified in the Urban Development Phase II ESA prepared for the Proposed Project by Geocon shall be investigated through exploratory trenching. The results of the investigation and any soil sampling and analysis that occurs shall be submitted for review and approval to the City of Davis Department of Community Development and Public Works Utilities and Operations Department (PWUO). If evidence of underground storage tanks (USTs) is not found, further mitigation shall not be required.*

If USTs are identified, the project applicant shall submit an Authority to Remove Underground Storage Tanks Application to the YCEHD for review and approval, pursuant to the requirements set forth in Yolo County Code Section 6-11.12.8. As part of the Authority to Remove Underground Storage Tanks Application, the project applicant shall also pay associated fees. At minimum, the Authority to Remove Underground Storage Tanks Application shall detail the following:

- *The proposed schedule for collection and sampling of soils beneath the on-site USTs and along piping runs;*
- *The DTSC and U.S. Environmental Protection Agency (USEPA) standards against which collected on-site soils shall be tested;*
- *Applicable work practice standards, in accordance with the Occupational Safety and Health Administration (OSHA) Technical Manual, that shall be implemented to ensure appropriate precautions are incorporated to protect construction workers and the surrounding community during removal of the on-site USTs and associated piping runs;*
- *The proposed disposal methods for on-site soils associated with the USTs and piping runs;*
- *The proposed date of UST closure inspection; and*
- *The methods with which soils shall be remediated on-site, if contaminants in tested soils exceed applicable standards. If on-site remediation is not possible, the methods and routes in which contaminated soils shall be hauled to an appropriate facility for disposal.*

In accordance with California Code of Regulations (CCR) Title 22, Division 4.5, Chapter 32, the existing on-site USTs and primary piping shall be managed as hazardous waste upon removal, unless such facilities are cleaned on-site and certified by a YCEHD representative as non-hazardous in accordance with DTSC hazardous waste regulations. UST removal and sampling activities shall be witnessed by a YCEHD representative.

4.7-2(d) *Prior to commencement of construction activities, the project applicant shall hire a licensed well contractor to obtain a well abandonment permit from YCEHD for all on-site water supply wells, and properly abandon the on-site water supply wells in accordance with Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III). Verification of abandonment shall be submitted for review and approval of the City of Davis Department of Community Development and YCEHD.*

4.7-2(e) *Prior to commencement of construction activities, the project applicant shall consult with the Central Valley Regional Water Quality Control Board (RWQCB) and YCEHD to determine if on-site monitoring wells can be abandoned. Confirmation shall be obtained from the YCEHD documenting that the proposed development is not subject to landfill post-closure requirements associated with CCR Title 27 Section 21190(g). If additional soil vapor monitoring is not anticipated to be performed, soil vapor monitoring wells VP1 and VP2 shall be abandoned under permit from the YCEHD.*

If the Central Valley RWQCB and YCEHD confirm that all or a portion of on-site monitoring wells may be abandoned, the project applicant shall hire a licensed well contractor to obtain a well abandonment

permit from YCEHD for the identified on-site monitoring wells to be abandoned, and properly abandon the wells in accordance with Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III). Verification of abandonment shall be submitted for review and approval of the RWQCB, City of Davis Department of Community Development, and YCEHD.

If the Central Valley RWQCB and YCEHD prohibit the abandonment of all or a portion of the on-site monitoring wells, the project applicant shall ensure that the improvement plans show that all project improvements comply with applicable minimum setback distances established by the YCEHD Water Well Program. Verification that the improvement plans properly document minimum setback distances shall be subject to review and approval of the Public Works Utilities and Operations Department (PWUO), RWQCB, and YCEHD.

4.7-2(f) *Prior to commencement of grading and construction, the construction contractor, a representative from Pacific Gas & Electric Company (PG&E), and a representative from the City of Davis Public Works Department shall meet on the project site/BRPA site and the applicant shall prepare site-specific safety guidelines for construction in the field in and around the buried natural gas pipeline, to the satisfaction of the Public Works Department. The safety guidelines and field-verified location of the on-site buried natural gas pipeline shall be noted on the improvement plans and included in all construction contracts involving the project site/BRPA site.*

G. HYDROLOGY AND WATER QUALITY

1. VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY DURING CONSTRUCTION (IMPACT 4.8-1).

(a) Potential Impact. The potential for the Proposed Project/BRPA to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction is discussed on pages 4.8-18 through 4.8-21 of the Draft EIR.

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

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to violate any

water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.8-1. Construction of the Proposed Project/BRPA would include grading, excavation, trenching for utilities, and other construction-related activities that could cause soil erosion at an accelerated rate during storm events. Compliance with the State NPDES Construction General Permit would minimize the potential degradation of stormwater quality and downstream surface water associated with construction of the Proposed Project/BRPA. In addition, Best Management Practices (BMPs) would be required to be designed in accordance with the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. However, because a Storm Water Pollution Prevention Plan (SWPPP) has not yet been prepared for the Proposed Project/BRPA, proper compliance with the aforementioned regulations cannot be ensured at this time, and the Proposed Project/BRPA's construction activities could violate water quality standards or waste discharge requirements or otherwise degrade water quality. Therefore, the Proposed Project/BRPA could result in a significant impact related to short-term construction-related water quality. Mitigation Measure 4.8-1 requires the applicant to obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity prior to commencement of construction and to prepare a SWPPP prior to ground disturbance. After the implementation of the mitigation measure, any remaining impacts related to the potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.8-1 *Prior to commencement of construction, the applicant shall obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground disturbance. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation. A copy of the SWPPP including BMP implementation provisions shall be submitted to the City of Davis Public Works – Utilities and Operations Department.*

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations is discussed on pages 4.8-21 through 4.8-24 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.8-24). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.8-2. Development of the Proposed Project/BRPA would result in the conversion of an undeveloped area to a mixed-use development community. The proposed land uses could result in new stormwater pollutants being introduced to the project area. Development of the Proposed Project/BRPA could also increase polluted non-stormwater runoff that could violate waste discharge requirements. In addition, on-site excavation to create the project's storm water system could expose contaminated groundwater. The Proposed Project/BRPA would include site design measures to ensure that stormwater runoff is properly treated prior to discharge. However, because a final Stormwater Control Plan has not been prepared, ongoing maintenance of the proposed stormwater treatment system and incorporation of proper source-control measures cannot be ensured at this time. Thus, project operation could violate water quality standards or waste discharge requirements or otherwise degrade water quality, and a significant impact could occur. Mitigation Measure 4.8-2 requires a final Stormwater Control Plan shall be submitted to City of Davis Public Works – Utilities and Operations Department for review and approval prior to approval of final project improvement plans. After the implementation of the mitigation measure, any remaining impacts related to the potential to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.8-2 *Prior to approval of final project improvement plans, a final Stormwater Control Plan shall be submitted to City of Davis Public Works – Utilities and Operations Department for review and approval. The final Stormwater Control Plan shall be in compliance with all applicable provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II MS4 General Permit (NPDES General Permit No. CAS612008, Order No. R2-2022-0018) and shall meet the standards of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. Site design measures, source-control measures, hydromodification management, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the improvement plans. The final plans shall include calculations demonstrating that the water quality BMPs are appropriately sized, using methodology in the CASQA Stormwater BMP Handbook for New Development and Redevelopment. The final plans shall also incorporate the proposed components for maintaining the stormwater-treatment facilities.*

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff is discussed on pages 4.8-25 through 4.8-41 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.8-38). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to substantially alter the existing drainage pattern of the site or area, including through the alteration

of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.8-4. Increases to peak runoff rates resulting from alterations to the existing drainage pattern of the site have the potential to result in exceedance of existing or planned stormwater drainage systems or flooding on- or off-site. Both the Proposed Project and the BRPA would have impacts associated with substantially altering the existing drainage pattern of the site or area, with both resulting in approximately 53 percent new impervious surfaces within the project site/BRPA site, creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems, and substantially increasing the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. With regard to the East Davis Ponding, the Proposed Project/BRPA would result in an approximately 0.01-foot increase to water surface elevations in the 100- and 200-year, 10-day storm event, but would result in reductions in ponding depths in smaller, more frequent storm events within the watershed as shown with the net reductions in ponding depths for the 10- and 100-year, 24-hour storm events. The Proposed Project or the BRPA would result in a significant impact related to substantially altering the drainage pattern of the site or area, or increasing the rate or amount of surface runoff. Mitigation Measure 4.8-4 requires a design-level drainage report be submitted to the City of Davis Public Works – Utilities and Operations Department for review and approval that identifies specific storm drainage design features to control the 200-year, 10-day increased runoff from the project site to ensure that the rate of runoff leaving the developed site does not exceed the pre-project condition. After the implementation of the mitigation measure, any remaining impacts related to the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.8-4 *In conjunction with submittal of the first tentative subdivision map for the Proposed Project or BRPA, a design-level drainage report shall be submitted to the City of Davis Public Works – Utilities and Operations Department for review and approval. The drainage report shall identify specific storm drainage design features to control the 200-year, 10-day increased runoff from the project site to ensure that the rate of runoff*

leaving the developed site does not exceed the pre-project condition. This may be achieved through: on-site conveyance and detention facilities, storage within the on-site UATA, or equally effective measures to control the rate and volume of runoff.

The design-level drainage report shall perform an updated net impact evaluation of downstream East Davis Ponding, taking into consideration the final on-site storm water system design, when the downstream flow is blocked by high water levels in the Willow Slough Bypass. The final amount of runoff volume to be detained would be determined with the design-level drainage report. This could result in detaining run-off volume for an extended time period.

Design-level recommendations provided in the drainage report shall be included in the improvements plans prior to their approval by the City of Davis Public Works Utilities and Operations Department.

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation is discussed on pages 4.8-41 through 4.8-43 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.8-42). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.8-5. The northern portion of the project site/BRPA site is within a Federal Emergency Management Agency (FEMA) mapped A floodplain zone. The FEMA Zone A is defined

as areas which are determined to flood during the one percent annual flood event. The soil from the on-site Northern Agricultural Area would be utilized as fill material within the development area to raise the building sites above the 200-year flood plain. As such, the Proposed Project and BRPA are not anticipated to result in the impediment or redirection of flood flows such that on- or off-site structures would be exposed to flood risk. However, a Conditional Letter of Map Revision (CLOMR) would be required prior to improvement plan approval in order to ensure the project's compliance with existing regulations. Therefore, in the absence of a CLOMR submitted to FEMA, a significant impact could occur related to alteration of the existing drainage pattern of the site or area, including through alteration of a course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows. Mitigation Measure 4.8-5 requires the applicant to obtain from FEMA a CLOMR or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area if required by FEMA, the Yolo County Flood Control and Water Conservation District, or the County Floodplain Administrator prior to improvement plan approval. After the implementation of the mitigation measure, any remaining impacts related to the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

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

H. TRANSPORTATION

1. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM DURING CONSTRUCTION ACTIVITIES (IMPACT 4.13-1).

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities is discussed on pages 4.13-29 through 4.13-31 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.13-30). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that impacts related to conflicts with a program, plan, ordinance, or policy addressing the circulation system during construction activities will be mitigated to a less-than-significant level. Because detailed information related to construction routes and equipment staging, or a construction management plan, is not available, without proper planning of construction activities, construction traffic and potential street closures could interfere with existing roadway operations, including pedestrian, bicycle, and transit facilities, during the construction phase. Therefore, the Proposed Project and the BRPA have the potential to conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities, and a significant impact could occur. However, Mitigation Measure 4.13-1 requires preparation of a construction traffic management plan to avoid significant interference with roadway operations. Any remaining impacts to transit facilities and services after implementation of Mitigation Measure 4.13-1 would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.13-1 *Prior to any construction activities for the project site/BRPA site, the project applicant shall prepare a detailed Construction Traffic Control Plan (CTCP) and submit it for review and approval by the City Department of Public Works Engineering and Transportation. The applicant and the City shall consult with Yolo County, Caltrans, Unitrans, Yolobus, and local emergency service providers for their input prior to approving the CTCP. The CTCP shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. A copy of the CTCP shall be submitted to local emergency response agencies and the agencies shall be*

notified at least 14 days prior to the commencement of construction that would partially or fully obstruct roadways. At a minimum, the CTCP shall include:

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

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

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities is discussed on pages 4.13-31 through 4.13-36 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.13-33). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that the Proposed Project's/BRPA's potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including

pedestrian and bicycle facilities would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.13-2(a) through 4.13-2(g). The Proposed Project and the BRPA would not include any modifications to the existing pedestrian and bicycle facilities; thus, neither the Proposed Project or the BRPA would physically disrupt existing pedestrian or bicycle facilities. The Proposed Project and the BRPA would construct new pedestrian and bicycle facilities and expand the local network. Additionally, neither the Proposed Project nor the BRPA would interfere with the implementation of planned future pedestrian or bicycle facilities. However, at several locations, active transportation network gaps that impede pedestrian and bicycle access to and from the project site/BRPA site, inadequate bicycle and pedestrian facilities and/or crossing amenities, coupled with project-related increases to vehicle traffic, would exacerbate bicyclist and pedestrian exposure to conflicting vehicular traffic in a manner that could increase the potential for collisions. Therefore, the Proposed Project and/or the BRPA could conflict with a program, plan, ordinance, or policy addressing pedestrian facilities or bicycle facilities, and a significant impact could occur. Mitigation Measures 4.13-2(a) through 4.13-2(g) outline the traffic impact study and several improvements that must take place during the Proposed Project/BRPA construction, further discussed in the Draft EIR. After the implementation of the mitigation measures, any remaining impacts related to the potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities would not be significant.

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

Proposed Project, Biological Resources Preservation Alternative

4.13-2(a) *In conjunction with submittal of a tentative map, the Project applicant shall submit a focused traffic impact study to determine if any of the intersection and roadway mitigations are required based on the additional traffic generated by the subject development phase. The focused traffic study shall address the impact of adding the individual phase of development to existing plus other approved/pending development projects. The project applicant shall construct physical improvements as identified in the focused traffic study.*

4.13-2(b) *Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall implement modifications to improve the East Covell Boulevard/Pole Line Road intersection as follows, to the satisfaction of the City of Davis City Engineer:*

- *Install marked crosswalks and accompanying pedestrian crossing signals on the north and west legs to provide temporal separation between pedestrians and conflicting vehicular movements.*

- *Eliminate the eastbound and westbound channelized right-turn lanes and replace them with standard right-turn pockets. Alternatively, modify the eastbound and westbound channelized right-turn lanes to reduce the speed of turning vehicles and to reduce pedestrian/bicycles exposure to conflicting vehicular traffic.*
- *Install high visibility bike lane conflict markings at the intersection approaches.*

Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists and pedestrians that would otherwise be caused by the project and promote bicycle and pedestrian travel to and from the project site. Improvements that would further enhance safety for people walking and biking would include the conversion of the intersection into a protected intersection (similar to East Covell Boulevard/L Street) or a roundabout.

4.13-2(c) *The project applicant shall construct a roundabout with pedestrian and bicycle crossings on all legs at the Pole Line Road/Moore Boulevard intersection. Bicycle and pedestrian crossings shall be placed through the splitter islands for each roundabout approach to minimize the number of multi-lane crossings, and shall be designed to the satisfaction of the City Engineer. In addition, the project applicant shall install traffic signals and pedestrian crossings on all legs at the Pole Line Road/Donner Avenue and Pole Line Road/Picasso Avenue intersections.*

Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be caused by the project and promote bicycle and pedestrian travel to and from the project site/BRPA site.

4.13-2(d) *Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall install bicycle and pedestrian crossing improvements at the East Covell Boulevard/Birch Lane intersection, consistent with the planned improvements identified in the East Covell Corridor Plan (ECCP), to the satisfaction of the City Engineer. The improvements shall include: installation of high visibility bike lane conflict markings in the northbound and southbound direction across both East Covell Boulevard and Denison Drive; high visibility marked crosswalks across the east leg of the East Covell Boulevard/Birch Lane intersection and across the east and south legs of the Birch Lane/Denison Drive intersection; and installation of a bike lane with conflict markings at the northbound approach of the East Covell Boulevard/Birch Lane intersection.*

Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City

Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be exacerbated by the project and promote bicycle and pedestrian travel to and from the project site/BRPA site.

4.13-2(e) *Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall install bicycle and pedestrian crossing improvements at the Cannery Loop elbow adjacent to Cannery Dog Park, to the satisfaction of the City Engineer. Improvements shall include the installation of high visibility crosswalk markings and the installation of a rapid-rectangular flashing beacon (RRFB) at the existing diagonal crossing.*

Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be caused by the project and promote bicycle and pedestrian travel to and from the project site/BRPA site.

4.13-2(f) *Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall install high visibility bicycle and pedestrian crossing markings and accompanying signage at the three Oak Tree Plaza driveway intersections with the East Covell Boulevard shared-use path, consistent with the ECCP, to the satisfaction of the City Engineer.*

Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be exacerbated by the project and promote bicycle and pedestrian travel to and from the project site/BRPA site.

4.13-2(g) *Prior to occupancy of the first residential unit during Phase I of the Proposed Project/BRPA, to the satisfaction of the City Engineer, the project applicant shall install Class III bike route pavement markings (e.g., green-backed sharrows) and accompanying signage on Birch Lane between East Covell Boulevard and Pole Line Road.*

Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be exacerbated by the project and promote bicycle and pedestrian travel to and from the project site.

3. CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING PEDESTRIAN AND BICYCLE FACILITIES, ASSOCIATED

WITH CUMULATIVE DEVELOPMENT OF THE PROPOSED PROJECT OR THE BRPA IN COMBINATION WITH FUTURE BUILDOUT OF THE CITY OF DAVIS (IMPACT 4.13-7).

(a) Potential Impact. The potential for the Proposed Project/BRPA to conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, associated with cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis is discussed on pages 4.13-46 through 4.13-47 of the Draft EIR.

(b) Findings. Less than significant with mitigation incorporated. (Draft EIR, pg. 4.13-47). Changes or alterations have been required in, or incorporated into, the Proposed Project/BRPA which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR. (State CEQA Guidelines, Section 15091(a)(1)). The City further finds that the change or alteration in the Proposed Project/BRPA or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(c) Explanation. Based upon the Draft EIR and the entire record before this City Council, this City Council finds that impacts related to conflicts with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, associated with cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis would be reduced to a less-than-significant level with implementation of Mitigation Measure 4.13-7. Bicycle, pedestrian, and vehicle travel activity would increase in the site vicinity due to development of the Proposed Project/BRPA in combination with other reasonably foreseeable development located on the East Covell Boulevard/Mace Boulevard corridor. However, according to the TIS, growth in background travel activity would not materially change the adverse effects to bicycle and pedestrian facilities that would be attributable to the Proposed Project/BRPA. Therefore, the project-specific bicycle and pedestrian impact analysis provided in under Impact 4.13-2 would similarly apply under cumulative conditions. As discussed therein, the Proposed Project and/or the BRPA could conflict with a program, plan, ordinance, or policy addressing pedestrian facilities or bicycle facilities, and a significant cumulative impact could occur. Mitigation Measure 4.13-7 requires the implementation of Mitigation Measures 4.13-2(a) through 4.13-2(f), discussed further in the Draft EIR.

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

Proposed Project, Biological Resources Preservation Alternative

4.13-7 Implement Mitigation Measures 4.13-2(a) through (f).

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE ENVIRONMENTAL EFFECTS WHICH ARE FOUND TO HAVE NO

IMPACT OR IMPACTS THAT ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

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

Forestry Resources: As described in Section 5.2 of the Draft EIR, the following environmental effects were found to have no impact: effects related to conflicting with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220[g]), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g]); effects resulting in the loss of forest land or conversion of forest land to non-forest use; and effects involving other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

Geology and Soils: As described in Section 5.3 of the Draft EIR, the following environmental effect was found to have no impact: effects relating to having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Hazards and Hazardous Materials: As described in Section 5.4 of the Draft EIR, the following environmental effects were found to have no impact: effects related to being located within an airport land use plan or within two miles of a public airport or public use airport.

Land Use and Planning: As described in Section 5.5 of the Draft EIR, the following environmental effect was found to have no impact: effects related to physically dividing an established community.

Mineral Resources: As described in Section 5.6 of the Draft EIR, the following environmental effects were found to have no impact: effects related to resulting in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state; and effects related to resulting in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Noise: As described in Section 5.7 of the Draft EIR, the following environmental effect was found to have no impact: effects related to being located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, resulting in the exposure of people residing or working in the project area to excessive noise levels.

Population and Housing: As described in Section 5.8 of the Draft EIR, the following environmental effect was found to have no impact: effects related to displacing substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Wildfire: As described in Section 5.9 of the Draft EIR, the following environmental effect was found to have no impact: effects related to the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

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

Aesthetics: The following specific impacts were found to be less than significant in the Draft EIR: 4.1-2, 4.1-3, and 4-1-6.

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

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

Biological Resources: The following specific impact was found to be less than significant in the Draft EIR: 4.4-16.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The Draft EIR determined that the impact is less than significant for the Proposed Project/BRPA.
- The Draft EIR determined that the Proposed Project and BRPA would have a less than cumulatively considerable contribution to the cumulative impact.

VI. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

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

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

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

The project site/BRPA site consists of generally flat, agricultural land. The Proposed Project/BRPA would include a mixed-use development community, including a total of 1,800 dwelling units, comprised of both affordable and market-rate single- and multi-family residences across various residential neighborhoods. In addition, the Proposed Project and BRPA would include neighborhood services; public, semi-public, and educational uses; associated on-site roadway improvements; utility improvements; parks, open space, and greenbelts; and off-site improvements. Thus, development of the Proposed Project/BRPA would result in a commitment of energy resources associated with maintaining the proposed components over the lifetime of the buildings. A portion of the energy demand required of the Proposed Project/BRPA would be supplied by non-renewable resources such as fossil fuels. Energy demands associated with operation of the Proposed Project/BRPA are discussed in greater detail in Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy of the Draft EIR. As discussed under Impact 4.3-5 of the Draft EIR, although the Proposed Project/BRPA operations would involve an increase in energy consumption, the Proposed Project/BRPA would comply with all applicable standards and regulations regarding energy conservation and fuel efficiency during construction and operation.

Construction of the Proposed Project/BRPA would involve consumption of building materials and energy, some of which are nonrenewable or locally limited natural resources (e.g., fossil fuels). Nonrenewable resources used for the Proposed Project/BRPA could no longer be used for other purposes. Consumption of building materials and energy is common to most other development in the region, and commitments of resources are not unique or unusual to the Proposed Project/BRPA. The main resource consumption of the Proposed Project/BRPA would be of energy, fuel, and wood and metal building materials that would be used for construction of the buildings. Development would not be expected to involve an unusual commitment of nonrenewable resources, nor be expected to consume any resources in a wasteful manner. Accordingly, the Proposed Project/BRPA would not be considered to result in a wasteful, inefficient, or unnecessary usage of energy. In addition, as discussed in Chapter 4.12, Public Services and Recreation, of the Draft EIR, although the Proposed Project/BRPA would result in an increase in demand for goods and services, such as fire, police, and school services, impacts related to such were determined to be less than significant. Therefore, while the Proposed Project/BRPA would involve the use of nonrenewable resources, the Proposed Project's/BRPA's use of nonrenewable resources would not place an unreasonable burden on future generations.

VII. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

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

The Draft EIR included an analysis of growth-inducing impacts in Section 6.2 of Chapter 6, Statutorily Required Sections. The CEQA Guidelines are clear that while an analysis of growth-inducing effects is required, induced growth should not be assumed to necessarily be significant or adverse. This analysis examines the following potential growth-inducing impacts related to development of the Proposed Project and BRPA, including whether the Proposed Project/BRPA would:

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

As discussed in Chapter 4.9, Land Use and Planning, and Chapter 4.11, Population and Housing, of the Draft EIR, the proposed 1,800 residential units would increase the available housing within the City of Davis, which would be expected to increase population in the area. Development of the Proposed Project and BRPA would increase the total current population of the City of Davis from 67,048 to approximately 71,724, or a 6.8 percent increase. While such an increase in population would still be within the range of growth projections assumed by the City of Davis, because the project site/BRPA site is currently located within Yolo County, the population growth associated with the Proposed Project/BRPA has not been included as part of the City's growth projections and would result in an increase beyond what is currently anticipated for the site. Future residents of the Proposed Project/BRPA would likely patronize local business and services in the area, fostering economic growth. While construction of the Proposed Project/BRPA could result in increased employment opportunities, potentially resulting in increases in population and housing demand, the nature of this change in demand would be temporary, lasting only as long as construction of the Proposed Project/BRPA. New jobs generated by proposed on-site uses would not be substantial in number and would also likely be filled by the local employee base. Therefore, the Proposed Project/BRPA and any associated population growth, would not result in significant long-term employment growth in the area. Ultimately, population growth resulting from the Proposed Project/BRPA would not be within the SACOG or City of Davis growth estimates for the project area. Thus, the Proposed Project/BRPA would induce substantial unplanned

population growth, and a significant impact related to population and economic growth would occur.

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

As discussed in Chapter 4.12, Public Services and Recreation, of the Draft EIR, increased demands for public services, including fire and police protection services, attributable to the Proposed Project/BRPA would necessitate the construction of new or expanded facilities that could cause significant environmental impacts, including the dedication of a new fire station. However, both the Proposed Project and the BRPA include a new fire station along the East Covell Boulevard. In addition, as discussed in Chapter 4.14, Utilities and Service Systems, of the Draft EIR, although the Proposed Project/BRPA would include connection to the existing water supply facilities provided by the City of Davis, through compliance with all applicable federal, State, and City regulations, significant environmental impacts would not occur. The landfill that would serve the Proposed Project/BRPA has adequate capacity to manage the solid waste generated as a result of the project, as described in Chapter 4.14, Utilities and Service Systems, of the Draft EIR. Furthermore, mitigation measures set forth in Chapter 4.8, Hydrology and Water Quality, of the Draft EIR would ensure that the Proposed Project/BRPA would not create or contribute runoff water that would exceed the capacity of the City's stormwater drainage systems. Therefore, the Proposed Project/BRPA would not increase population such that service levels, facility capacity, or infrastructure demand would require construction of new facilities that could cause significant environmental impacts.

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

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

VIII. FINDINGS REGARDING ENERGY CONSUMPTION

In order to ensure energy implications are considered in project decisions, PRC Section 21100(b)(3) and CEQA Guidelines Appendix F require a discussion of the potential energy impacts of project, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. Pursuant to PRC Section 21100(b)(3) and CEQA Guidelines

Appendix F, the Draft EIR addressed energy impacts in Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy, specifically under Impact 4.3-5, beginning on page 4.3-61, and under Impact 4.3-9, beginning on page 4.3-83 of the Draft EIR.

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

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

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

IX. REVIEW AND REJECTION OF PROJECT ALTERNATIVES

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

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts but whether project alternatives can address potentially significant impacts. Where all significant impacts can be substantially lessened, particularly to a less-than-significant level, solely by adoption of mitigation

measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility that project alternatives might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed project, as mitigated (PRC Section 21002; Laurel Hills Homeowners Association v. City Council (1978 83 Cal.App.3d 515, 521. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 730-733; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403).

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

As explained below, these findings describe and reject, for reasons documented in the Draft EIR and summarized below, each one of the Proposed Project alternatives, with the exception of the BRPA, and the City finds that approval and implementation of the proposed Village Farms Davis Project or BRPA is appropriate. The evidence supporting these findings is presented in Chapter 7, Alternatives Analysis, of the Draft EIR.

A. IDENTIFICATION OF PROJECT OBJECTIVES

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

1. Facilitate development of varied housing options, including affordable housing, and in sufficient quantities to meaningfully help to meet the City’s Regional Housing Needs Allocation (RHNA) expectations for multiple income levels.

2. Guide urban growth in undeveloped areas closest to the central City to facilitate compact growth and to reduce potential vehicle miles traveled (VMT) and excessive sprawl.

3. Provide educational and other public service facilities to serve the needs of any population growth resulting from facilitated development.

4. Facilitate development that promotes non-vehicular travel and supports active modes of transportation.

5. Plan development to reduce greenhouse gas (GHG) emissions by aligning with the City’s 2040 Climate Action and Adaptation Plan.

6. Establish and preserve agricultural buffer areas where proposed development would border existing agricultural areas.

7. Increase City property tax revenue.

B. ALTERNATIVES CONSIDERED BUT DISMISSED

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

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

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

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

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

<u>Buildout Within City Limits Alternative</u>

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

As the project would not be located all on one site, the Buildout Within City Limits Alternative would not be capable of meeting all of the project objectives, and the opportunity for the project to include a variety of benefits would not occur. For example, the Buildout Within City Limits Alternative would not fully meet Project Objective #3 in that it would not include construction of a fourth fire station within the north Davis area. This fire station is not only needed to serve the Proposed Project, but also existing communities within north Davis that are outside of the City's emergency response time goals.

Most importantly, and the primary reason for rejection, is the City's lack of available vacant and underutilized sites to accommodate the Proposed Project. For example, Table 62, Vacant and Underutilized Sites, City of Davis, September 2023, of the Davis Housing Element, identifies a

total residential unit capacity of 242 units for the vacant and underutilized sites within the City.[1] However, as noted, Table 62 does not include the capacity in the Downtown area that was created with the Downtown Davis Specific Plan. Appendix E of the Housing Element identifies a potential build-out capacity for the Downtown Davis Specific Plan area of 780 units. While this would close the gap between the Proposed Project's 1,800 units and 242 residential unit capacity in Table 62 of the Housing Element, only approximately 50 percent of the total Project units could be accommodated.

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

C. ALTERNATIVES ANALYSIS IN DRAFT EIR

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

1. BRPA;
2. No Project (No Build) Alternative;
3. Lower Number of Units – Same Footprint Alternative;
4. Agricultural Resource Preservation Alternative;
5. Higher Number of Units – Same Footprint Alternative; and
6. Off-Site Project Alternative.

Based on impacts identified in the Draft EIR, and other reasons documented below, the City Council finds that the Proposed Village Farms Davis Project and Biological Resources Preservation Alternative, as proposed, are the most desirable, feasible, and appropriate actions and rejects the other alternatives as infeasible based on consideration of the relevant factors identified herein. With respect to the environmental benefits of the BRPA as compared to the Proposed Project, the applicant has publicly communicated to City Council that the BRPA is their preferred project.

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

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v.*

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

City of San Diego [1982] 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id*.; see also *California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*.)

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

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

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

D. GENERAL FINDINGS FOR PROJECT ALTERNATIVES

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

The City Council is free to reject an alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various "economic, social, and other factors." Based on impacts identified in the Draft EIR, and other reasons documented below, the City Council finds that, with the exception of the BRPA, the other alternatives are infeasible.

E. FINDINGS FOR SUPPORT OF BRPA

An equal-weight analysis of the BRPA is provided throughout the Draft EIR. As discussed in Chapter 3, Project Description, of the Draft EIR, the BRPA would include a preserved Natural Habitat Area, comprised of 47.1 acres of Alkali Prairie Yolo HCP/NCCP land cover that occurs around an alkali playa south of Channel A. The areas within the BRPA site outside of the preserved Natural Habitat Area would consist of a mixed-use development community that includes a total of 1,800 dwelling units, comprised of both affordable and market-rate single- and multi-family residences across various residential neighborhoods. In addition, the BRPA would include the development of neighborhood services; public, semi-public, and educational uses; associated on-site roadway improvements; utility improvements; parks, open space, and

greenbelts; and off-site improvements. Similar to the Proposed Project, the BRPA would require City approval of a Sphere of Influence (SOI) Amendment, Annexation, General Plan Amendment, Pre-zoning, and Development Agreement.

(a) Findings: The BRPA is considered the preferred alternative because the Alternative would include a preserved Natural Habitat Area, comprised of 47.1 acres of Alkali Prairie Yolo HCP/NCCP land cover. The preservation of the Natural Habitat Area would avoid the Significant and Unavoidable impacts to biological resources that would occur under the Proposed Project, greatly reducing impacts to federally protected wetlands and cumulative loss of habitat for special-status species. Additionally, the BRPA would satisfy the project objectives to the same extent as the Proposed Project, including an additional project objective not included in the Proposed Project aimed at preserving sensitive habitat.

(b) Explanation: The BRPA would entail development in the same boundaries of the Proposed Project with similar types of uses as the Proposed Project. However, the BRPA would preserve the approximately 47.1-acre Natural Habitat Area, which is comprised of Alkali Prairie Yolo HCP/NCCP land cover and associated watershed and occurs around the alkali playa located south of Channel A. As such, the BRPA would eliminate the Proposed Project's Significant and Unavoidable impact related to having a substantial adverse effect on State or federally protected wetlands, and the cumulative loss of habitat for special-status species.

Based on the ARD conducted as part of the BRA, approximately 23.565 total acres of aquatic resources occur within the study area (see Figure 4.4-10 of the Draft EIR). As summarized in Figure 4.4-10 and Table 4.4-8, approximately 20.349 acres of aquatic resources would be permanently impacted by the Proposed Project, approximately 1.029 acres would be temporarily impacted, and 0.248-acre within the Western Program Study Area could be potentially impacted. In comparison, as shown in Figure 4.4-11 and summarized in Table 4.4-9 of the Draft EIR, due to the inclusion of the 47.1-acre Natural Habitat Area (which contains the site's Alkali Prairie land cover), only approximately 0.648-acre of aquatic resources would be permanently impacted by the BRPA. Because the BRPA would preserve the 47.1-acre Natural Habitat Area, which includes the majority of the Alkali Prairie land cover within the BRPA site, potential impacts related to federally endangered vernal pool tadpole shrimp would be reduced, as 9.789 acres of vernal pool tadpole shrimp habitat would be avoided.

According to the Yolo HCP/NCCP, the alkali prairie natural community consists of 312 acres, which is less than one percent of the Yolo HCP Plan Area (Yolo HCP, pg. 2-41), though it is noted that the 312 acres does not include the on-site alkali playa/alkali wetland complex. Given the limited extent of this habitat with the region and the habitat value for the federally endangered vernal pool tadpole shrimp, the loss of the alkali playa/alkali wetland complex would be considered significant. Further, while Mitigation Measure 4.4-15(c) requires no-net loss replacement or rehabilitation of federally jurisdictional waters, creation of net new habitat would not occur. While known alkali playa/alkali wetland does not occur on the sites of the cumulative projects considered in the Draft EIR, wetlands and other waters are present. Therefore, the effects of the

Proposed Project and other planned development would combine to significantly impact wetlands and other waters in the City of Davis planning area that provide valuable habitat to protected species. The Proposed Project's incremental contribution to this significant cumulative impact was determined to be cumulatively considerable and significant and unavoidable (Impact 4.4-19). However, due to the inclusion of the 47.1-acre Natural Habitat Area, the BRPA incremental contribution was determined to be less than cumulatively considerable.

In addition, because of the preservation of the Natural Habitat Area, impacts related to aesthetics, agricultural resources, cultural and tribal cultural resources, and geology and soils would be reduced under the BRPA as compared to the Proposed Project. The only impacts that would increase under the BRPA would be the impacts related to air quality, GHG emissions, and energy (primarily related to the increase in single-family detached units under the BRPA). The Proposed Project would still result in Significant and Unavoidable impacts both with and without mitigation in regard to air quality and the generation of GHG emissions. Thus, even with implementation of mitigation measures, impacts would remain Significant and Unavoidable under both the Proposed Project and the BRPA. Additionally, both the Proposed Project and the BRPA would entail development of a mixed-use development community that includes a total of 1,800 dwelling units, comprised of both affordable and market-rate single- and multi-family residences across various residential neighborhoods. As such, the BRPA would satisfy all of the project objectives of the Proposed Project, and would satisfy an additional project objective unique to the BRPA of creating a balance of preserving sensitive habitat, while providing a variety of homes that reflect, enhance, and complement existing neighborhoods in Davis.

Because the BRPA would satisfy all of the project objectives of the Proposed Project and would preserve the Natural Habitat Area, eliminating the Significant and Unavoidable impacts related to protected wetlands and cumulative loss of special-status species, the BRPA is determined to be feasible and desirable from an environmental perspective.

F. FINDINGS FOR REJECTION OF ALTERNATIVES

1. NO PROJECT (NO BUILD) ALTERNATIVE:

The No Project (No Build) Alternative is discussed on pages 7-7 through 7-12 of the Draft EIR. The No Project (No Build) Alternative assumes that the project site/BRPA site would remain in its existing state and additional development would not occur. The current condition of the site consists of generally flat, agricultural land, with an alkali playa located south of Channel A. The 497.6-acre site is currently located in an unincorporated portion of Yolo County; while the majority of the project site is located within the City of Davis SOI, the 107.1-acre Northern Agricultural Area and 11.3-acre UATA are located outside of the City's SOI. The southern portion of the site is developed with one agricultural structure and the site is bisected by a private access road and a City of Davis drainage course. In addition, a Pacific Gas and Electric Co. (PG&E) easement occurs along the western and northern site boundaries. Under the No Project (No Build)

Alternative, the existing on-site agricultural operations would be anticipated to continue. As such, under the Alternative, the entire project site/BRPA site is conservatively assumed to be subject to continuous disturbance related to discing, planting, and harvesting.

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

(b) Explanation: Most of the significant impacts identified for the Proposed Project would not occur under the No Project (No Build) Alternative. However, the No Project (No Build) Alternative would not realize the benefits of the Proposed Project nor achieve any of the Proposed Project objectives. In addition, although the No Project (No Build) Alternative would result in fewer impacts to biological resources, the existing on-site agricultural operations would have the potential to disturb on-site wetlands. The City of Davis and the State of California has identified the need for additional housing, as well as new recreation facilities in close proximity to City residents. The No Project (No Build) Alternative would not result in development of the site and, thus, would not result in new housing opportunities. The existing demand for such uses would be satisfied by developing residential projects and recreational facilities on other sites in the City or by the conversion of agricultural land to increase available land zoned for such uses within the City limits. The underutilization of the site would persist and the project site would endure as a potential infill site.

2. LOWER NUMBER OF UNITS – SAME FOOTPRINT ALTERNATIVE:

The Lower Number of Units – Same Footprint Alternative is discussed on pages 7-12 through 7-18 of the Draft EIR. Under the Lower Number of Units – Same Footprint Alternative, a total of 1,395 dwelling units, including 210 affordable housing units, would be developed on the same development footprint as the Proposed Project. Similar to the Proposed Project, the Lower Number of Units – Same Footprint Alternative would include the development of neighborhood services; public, semi-public, and educational uses; associated on-site roadway improvements; utility improvements; parks, open space, and greenbelts; and off-site improvements.

(a) Findings: Because The Lower Number of Units – Same Footprint Alternative would include development of the project site with the same types of uses, all of the project objectives would be met. However, the Alternative is rejected as the Project Objectives 1, 2, and 7 would be met to a lesser degree than under the Proposed Project, and the Alternative would not avoid the Significant and Unavoidable impacts for the Proposed Project.

(b) Explanation: Although the Lower Number of Units – Same Footprint Alternative would include the development of 405 fewer units than the Proposed Project, the project site would be developed with the same uses as the Proposed Project and the development footprint would be similar. As such, impacts related to aesthetics, agricultural resources, air quality, GHG emissions, and energy, biological resources, cultural and tribal cultural resources, hazards and hazardous materials, hydrology and water quality, and transportation would remain similar under the Lower Number of Units –

Same Footprint Alternative as compared to the Proposed Project. The Alternative would result in fewer impacts related to geology and soils, population and housing, and utilities and service systems (namely, wastewater treatment capacity). The Alternative would result in the development of 405 fewer residential units than the Proposed Project and, thus, would expose a reduced number of individuals to potential geological hazards. However, the Alternative's potential to destroy a unique paleontological resource or site or unique geologic feature would be similar to the Proposed Project. As such, Mitigation Measures 4.6-3 and 4.6-4 would still be required. Similar to the Proposed Project, the Alternative would be considered to induce substantial unplanned population growth, and a significant and unavoidable and cumulatively considerable and significant and unavoidable impact would occur. However, the Lower Number of Units – Same Footprint Alternative would house approximately 1,041 fewer residents than the Proposed Project. Therefore, while the significant and unavoidable impacts related to Population and Housing would not be avoided under the Lower Number of Units – Same Footprint Alternative, the severity of such impacts would be reduced.

With respect to wastewater treatment capacity, using the metrics in the WWTP Capacity Memorandum, the 405 fewer residential units would equate to a reduction in wastewater flow by approximately 59,000 gallons per day, as compared to the Proposed Project. As a result, this Alternative could have a reduced impact on the City's WWTP capacity, though the impact could still be significant and unavoidable given the recent capacity analysis, suggesting that the WWTP may be at or nearing its capacity. Similarly, this Alternative's incremental contribution to the significant cumulative impact on the City's WWTP capacity could be reduced.

Because the Lower Number of Units – Same Footprint Alternative would include the development of 405 fewer residential units as compared to the Proposed Project, including 300 fewer affordable housing units, VMT per capita would be increased (see Transportation discussion in Chapter 4.13 of the Draft EIR for more detail), and a reduced amount of property tax revenue would be generated. As such, Project Objective 1 of facilitating development of varied housing options, including affordable housing, and in sufficient quantities to meaningfully help to meet the City's RHNA expectations for multiple income levels, Project Objective 2 of guiding urban growth in undeveloped areas closest to the central City to facilitate compact growth and to reduce potential vehicle miles traveled (VMT) and excessive sprawl, and Project Objective 7 of increasing City property tax revenue would be met to a lesser degree than under the Proposed Project. For these reasons, the Proposed Project and BRPA are deemed superior to the Lower Number of Units – Same Footprint Alternative.

3. AGRICULTURAL RESOURCE PRESERVATION ALTERNATIVE:

The Agricultural Resource Preservation Alternative is discussed on pages 7-18 through 7-26 of the Draft EIR. The Agricultural Resource Preservation Alternative would consist of buildout of the same land uses included with the Proposed Project on a reduced development footprint in order to avoid, to the extent feasible, conversion of on-site high-quality agricultural land with non-

agricultural uses. Unlike the Proposed Project, the Agricultural Resource Preservation Alternative would not include buildout of the approximately 20.3-acre Heritage Oak Park and Educational Farm, and would not include the development of the 470 Residential Medium Density (RMD) units within the Central Village and Parkside Village East. As such, the Agricultural Resource Preservation Alternative would include the development of a total of 1,330 residential units, 470 fewer than the Proposed Project, for a residential density of approximately 8.53 dwelling units per acre (du/ac) (net). As discussed in Chapter 4.2, Agricultural Resources, of the Draft EIR, the Proposed Project would result in the conversion of approximately 267 acres of Prime Farmland to non-agricultural use. Under the Agricultural Resource Preservation Alternative, the site plan has been revised to avoid approximately 102 acres of on-site agricultural land designated Prime Farmland.

(a) Findings: Because the Agricultural Resource Preservation Alternative would include development of the project site with the proposed uses for the majority of the site, the project objectives would be met; the Alternative would satisfy Objective #6, which is to establish and preserve agricultural buffer areas where proposed development would border existing agricultural areas, to a greater extent than the Proposed Project. However, the Alternative would not satisfy Objectives 1, 3, and 7 to the same extent as the Proposed Project, and the Alternative would not avoid the Significant and Unavoidable impacts for the Proposed Project.

(b) Explanation: The Agricultural Resource Preservation Alternative would entail development of the project site with the same uses as the Proposed Project. Because of this, impacts related to noise and transportation would remain similar under the Agricultural Resource Preservation Alternative as compared to the Proposed Project. The Agricultural Resource Preservation Alternative would avoid the development of approximately 102 acres of Prime Farmland and include development of 470 fewer units and a smaller development footprint than the Proposed Project. As a result, the Alternative would result in fewer impacts related to aesthetics, agricultural resources, air quality, GHG emissions, and energy, biological resources, cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, population and housing, and utilities and service systems (namely, wastewater treatment capacity). However, while the Proposed Project would convert approximately 60 percent more Prime Farmland than the Agricultural Resource Preservation Alternative, the Alternative would still convert Prime Farmland. Therefore, impacts related to agricultural resources would remain significant and unavoidable. Similarly, although the project-specific and cumulative significant and unavoidable impacts related to scenic vistas, air quality, and greenhouse gas emissions would be reduced in severity under this Alternative, the impacts would remain significant and unavoidable.

Because the Agricultural Resource Preservation Alternative would include the development of fewer residential units than the Proposed Project, the Alternative would not satisfy Project Objective 1 of facilitating development of varied housing options, including affordable housing, and in sufficient quantities to meaningfully help to meet the City's RHNA expectations for multiple income levels, Project Objective 3

of providing educational and other public service facilities to serve the needs of any population growth resulting from facilitated development, nor Project Objective 7 of increasing City property tax revenue. For these reasons, the Proposed Project and the BRPA are deemed superior to the Agricultural Resource Preservation Alternative.

4. HIGHER NUMBER OF UNITS – SAME FOOTPRINT ALTERNATIVE:

The Higher Number of Units – Same Footprint Alternative is discussed on pages 7-26 through 7-33 of the Draft EIR. The Higher Number of Units – Same Footprint Alternative would include the development of 900 additional residences, for a total of 2,700 residential units, as well as the same non-residential uses included in the Proposed Project. The 2,700-unit count was selected for the Alternative in order to reduce per capita VMT below both City and regional average VMT thresholds. As such, the residential density under the Alternative would increase to 13.78 du/ac.

(a) Findings: Because the Higher Number of Units – Same Footprint Alternative would include development of the project site with the same uses included in the Proposed Project, the project objectives would be met. Furthermore, because the Alternative would be developed at a higher density than the Proposed Project, the Higher Number of Units – Same Footprint Alternative would result in a greater reduction in VMT and would generate more property tax revenue for the City; thus, the Higher Number of Units – Same Footprint Alternative would satisfy Project Objectives 1, 2, and 7 to a greater extent than the Proposed Project. However, the Alternative would not avoid the majority of the Significant and Unavoidable impacts for the Proposed Project with the exception of the Significant and Unavoidable impact related to VMT which would not occur under the Alternative.

(b) Explanation: The Higher Number of Units – Same Footprint Alternative would entail development of the project site with similar types of uses and the same development footprint as the Proposed Project. As such, impacts related to agricultural resources, biological resources, cultural and tribal cultural resources, hazards and hazardous materials, hydrology and water quality, and noise would remain similar under the Higher Number of Units – Same Footprint Alternative as compared to the Proposed Project. Impacts related to air quality, GHG emissions, and energy and transportation would be decreased under the Alternative. The Higher Number of Units – Same Footprint Alternative would result in a reduction in GHG emissions by approximately 10.4 percent. However, even with such a reduction, implementation of the Alternative would conflict with the City's adopted goal of carbon neutrality by the year 2040. Therefore, the foregoing impact would remain significant and unavoidable and cumulatively considerable, even with implementation of Mitigation Measure 4.3-8.

Because the significant and unavoidable VMT impact (project-level and cumulative) identified for the Proposed Project would not occur under the Alternative, the Higher Number of Units – Same Footprint Alternative is considered to have fewer impacts related to Transportation as compared to the Proposed Project. It is recognized, however, that this Alternative would have similar or greater transportation impacts for other non-VMT topics, as discussed above. Impacts related to aesthetics, geology and

soils, population and housing, and utilities and service systems (namely, wastewater treatment capacity) would be increased in the High Number of Units – Same Footprint Alternative. The additional 900 residential units that are proposed in the Alternative lead to a greater disruption of the existing panoramic open space/agricultural views, to a greater number of individuals exposed to potential geological hazards, to substantial unplanned population growth, leading to a significant and unavoidable and cumulatively considerable and significant and unavoidable impact related to population and housing, and to increased demand for wastewater treatment capacity, resulting in a significant and unavoidable and cumulatively considerable and significant and unavoidable impact related to the City's WWTP capacity.

As previously discussed, feasibility, among other factors, encompasses economic factors. Mitigation costs for the removal of approximately 20 acres of wetlands/aquatic resources, nearly 10 of which constitute vernal pool tadpole shrimp habitat, would be substantial. While not yet calculated, these costs would likely be in the several millions of dollars range, which would render this Alternative economically infeasible when factoring in infrastructure costs and higher costs associated with the additional 900 units in this Alternative.

For these reasons, the Proposed Project and BRPA are deemed superior to the Higher Number of Units – Same Footprint Alternative.

5. OFF-SITE PROJECT ALTERNATIVE:

The Off-Site Project Alternative is discussed on pages 7-33 through 7-40 of the Draft EIR. In considering sites potentially available for future development of the Proposed Project, sites of similar size and characteristics (e.g., undeveloped) were considered. The off-site location selected for evaluation is the property evaluated for the formerly proposed Aggie Research Campus project, which is located immediately to the east of Mace Boulevard and to the north of County Road (CR) 32A, northeast of the City limits, in a currently unincorporated area of the County. The Off-Site Project Alternative would consist of a similar buildout of the components of the Proposed Project (e.g., 1,800 residential units) within the smaller Aggie Research Campus project site. Similar to the Proposed Project, the Off-Site Project Alternative would consist of a mix-use development community, including neighborhood services; public, semi-public, and educational uses; associated on-site roadway improvements; utility improvements; parks, open space, and greenbelts; and off-site improvements. Similar entitlements would be required at this location, such as SOI Amendment, Annexation, General Plan Amendment, and prezoning.

(a) Findings: The Off-Site Project Alternative is rejected because the Alternative would not satisfy Project Objective 2 to the same extent as the Proposed Project, and the Alternative would not avoid the majority of the Significant and Unavoidable impacts for the Proposed Project with the exception of the Significant and Unavoidable impacts related to impacting wetlands and resulting in a cumulative loss of habitat for special-status species which would not occur under the Alternative.

(b) Explanation: The Off-Site Project Alternative would entail development of an approximately 194-acre site with similar types of uses as the Proposed Project and would also be considered to induce substantial unplanned population growth. As such, impacts related to aesthetics, population and housing, and utilities and service systems (namely, wastewater treatment capacity) would remain similar under the Off-Site Project Alternative as compared to the Proposed Project. Impacts related to agricultural resources, air quality, GHG emissions, and energy, biological resources, cultural and tribal cultural resources, geology and soil, hazards and hazardous materials, hydrology and water quality, and noise would be decreased under the Off-Site Project Alternative. The reduction in impacts would occur as a result of the smaller size of the Alternative project site and the lack of the same resources as the Proposed Project site. The impacts related to transportation would increase in the Off-Site Project Alternative because development of the Alternative site is anticipated to result in significant freeway ramp queuing impacts, therefore increasing hazards. Because the exact reduction in VMT has not been calculated, the Off-Site Project Alternative would still have the potential to result in a significant and unavoidable and cumulatively considerable and significant and unavoidable impact related to being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), and Mitigation Measure 4.13-4 would still be required. Additionally, the Proposed Project site is located within an area that generates approximately 31 VMT per capita, three percent above the City average. In comparison, the Off-Site Project Alternative site is located within the eastern portion of the City of Davis, where the residential VMT per capita ranges from 33 to 36, which is at minimum an increase of 9.6 percent above the City average.

Because the Off-Site Project Alternative site is approximately 186 acres smaller than the Proposed Project site, the Off-Site Project Alternative would include a higher residential density than the Proposed Project, and would incorporate a greater number of multi-family residences and other more dense housing product types, such as townhomes. In general, the Off-Site Project Alternative would be anticipated to meet the basic objectives identified for the Proposed Project. However, because the Off-Site Project Alternative site is not located as close to the center of the City of Davis as the project site, the Alternative would not satisfy Objective 2 of guiding urban growth in undeveloped areas closest to the central City to facilitate compact growth and to reduce potential VMT and excessive sprawl to the same extent as the Proposed Project. For this reason, the Proposed Project and BRPA are deemed superior to the Off-Site Project Alternative.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

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

Designating a superior alternative depends in large part on what environmental effects one considers most important. The lead agency may consider certain issue areas as a higher priority

than others. For the purposes of the Draft EIR, reduction of impacts related to VMT and GHG emissions are considered a high priority due to the potential consequences of climate change for the City of Davis. Generally, the environmentally superior alternative is the one that would result in the fewest environmental impacts as a result of project implementation. However, it should be noted that the environmental considerations are one portion of the factors that must be considered. Other factors of importance include urban design, economics, social factors, and fiscal considerations. In addition, the superior alternative would, ideally, still provide opportunities to achieve the Proposed Project objectives.

As stated in the Draft EIR, the No Project (No Build) Alternative would not meet any of the Proposed Project objectives. The Lower Number of Units – Same Footprint Alternative would not meet Project Objectives 1, 2, or 7, the Agricultural Resource Preservation Alternative would not meet Project Objectives 1, 3, or 7, and the Off-Site Project Alternative would not meet Project Objective 2.

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

Apart from the No Project (No Build) Alternative, the Higher Number of Units – Same Footprint Alternative would meet all project objectives, and would satisfy Project Objectives 1, 2, and 7 to a greater extent than the Proposed Project. In addition, the Higher Number of Units – Same Footprint Alternative would result in fewer impacts than the Proposed Project related to transportation; specifically, the significant and unavoidable VMT impact (project-level and cumulative) related to conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) would not occur under the Alternative. The Alternative would result in similar impacts as the Proposed Project related to agricultural resources, biological resources, cultural and tribal cultural resources, hazards and hazardous materials, hydrology and water quality, and noise, whereas greater impacts could occur related to aesthetics, geology and soils, population and housing, and utilities and service systems. It is noted that the temporary significant and unavoidable construction impact related to noise and the significant and unavoidable impacts related to biological resources and utilities and service systems identified for the Proposed Project would still occur under the Alternative. In addition, as previously discussed, due to the reduction in VMT associated with the Alternative, a reduction would occur in emissions of criteria pollutants and GHGs, and fewer impacts could occur related to air quality, greenhouse gas emissions, and energy. Overall, the Higher Number of Units – Same Footprint Alternative is the only alternative that eliminates the Proposed Project's significant and unavoidable VMT impacts. Thus, Higher Number of Units – Same Footprint Alternative is considered the environmentally superior alternative.

Nonetheless, the Higher Number of Units – Same Footprint Alternative would include the development of 900 more units than the Proposed Project, and would house approximately 2,313 more residents. The increased population associated with the Alternative would be anticipated to

result in a greater increase than the Proposed Project in the use of pedestrian, bicycle, and transit facilities in the site vicinity. Therefore, the severity of impacts related to conflicts between vehicles and pedestrians/bicyclists could be increased as compared to what is anticipated to occur under the Proposed Project. Although implementation of Mitigation Measures 4.13-1, 4.13-2(a) through 4.13-2(f), and 4.13-7 would be sufficient to reduce such impacts to a less-than-significant level, due to the greater increase in population associated with the Higher Number of Units – Same Footprint Alternative as compared to the Proposed Project, the Alternative could have a greater potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, as compared to the Proposed Project.

In addition, because development of the project site would be similar to the Proposed Project under the Higher Number of Units – Same Footprint Alternative, the significant and unavoidable impact identified for the Proposed Project related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, would still occur, and implementation of Mitigation Measures 4.13-3(a), 4.13-3(b), and 4.13-8 would still be required. Because the Alternative would result in a greater increase in population than the Proposed Project, the Alternative would also increase transit ridership as compared to the Proposed Project. The increase in transit ridership associated with the Proposed Project was determined to have the potential to exacerbate currently deficient Unitrans performance with respect to on-time performance targets; the even greater increase in transit ridership associated with the Higher Number of Units – Same Footprint Alternative could exacerbate currently deficient Unitrans performance to a greater level. Therefore, the Higher Number of Units – Same Footprint Alternative would still have the potential to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, and the severity of such impact could be increased as compared to the Proposed Project.

Overall, because the significant and unavoidable VMT impact (project-level and cumulative) identified for the Proposed Project would not occur under the Alternative, the Higher Number of Units – Same Footprint Alternative is considered to have fewer impacts related to Transportation as compared to the Proposed Project. It is recognized, however, that this Alternative would have similar or greater transportation impacts for other non-VMT topics, as discussed above. In addition, the higher number of units constructed in the Alternative would lead to substantially increased construction, as well as increased mitigation costs for the loss of alkali playa/alkali wetland complex habitat.

For these reasons, the Proposed Project and BRPA are deemed superior to the Higher Number of Units – Same Footprint Alternative. As noted above, CEQA does not require the City to choose the environmentally superior alternative.

X. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE VILLAGE FARMS DAVIS PROJECT FINDINGS

As discussed in the above Findings and in the EIR for the Village Farms Davis Project, the City's approval of the Proposed Project/BRPA would result in the following significant and unavoidable environmental effects even with the adoption of all feasible mitigation measures:

- Impact 4.1-1 – aesthetics impacts related to substantial adverse effects on a scenic vista
- Impact 4.1-5 – cumulative impacts related to substantial adverse effects on a scenic vista
- Impact 4.2-1 – impacts related to the conversion of farmland to non-agricultural use
- Impact 4.2-4 – cumulative impacts involving loss of farmland to non-agricultural use
- Impact 4.3-2 – impacts related to conflicts with air quality plans during operations
- Impact 4.3-6 – cumulative impacts related to the increase of criteria pollutants
- Impact 4.3-8 – impacts related to the generation of GHG emissions
- Impact 4.4-15 – biological resources impacts related to protected wetlands
- Impact 4.4-19 – cumulative impacts related to loss of alkali playa/alkali wetland complex habitat for special-status species
- Impact 4.10-1 – impacts related to the generation of a temporary increase in noise levels
- Impact 4.11-1 – impacts related to unplanned population growth
- Impact 4.11-2 – cumulative impacts related to unplanned population growth
- Impact 4.13-3 – impacts related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services
- Impact 4.13-4 – transportation impacts related to VMT
- Impact 4.13-8 – cumulative impacts related to conflicting with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services
- Impact 4.13-9 – cumulative impacts related to VMT
- Impact 4.13-11 – cumulative impacts related to increasing hazards due to a geometric design feature or incompatible uses
- Impact 4.14-3 – impacts related to a determination by the wastewater treatment provider that it does not have adequacy capacity to serve the project's projected demand in addition to the provider's existing commitments
- Impact 4.14-5 – cumulative impacts related to increase in demand for utilities and service systems associated with the Proposed Project or BRPA, in combination with future buildout of the City of Davis General Plan

For the BRPA, the above-listed significant and unavoidable project-level (Impact 4.4-15) and cumulative (Impact 4.4-19) impacts related to wetlands would be eliminated.

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

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

The City finds that the benefits of the BRPA, which outweigh the significant impacts of the project as identified by the Draft EIR and Partially Recirculated Draft EIR, include those listed below and supported by the record of proceedings, but especially the following documents in the record:

(a) the August 5, 2025, memorandum prepared by Economic & Planning Systems, Inc. on behalf of the project applicant and provided to the City, which sets forth the economic and demographic effects that the project will have on the City. The EPS memorandum uses many of the same assumptions as, and provides a supportive peer review of, the *Fiscal Impact Analysis* of the project prepared by BAE Urban Economics on behalf of the City.
(b) the analysis of land use consistency set forth in the Land Use chapter of the EIR, which explains how the BRPA Project is consistent with and helps to fulfill many important General Plan goals, objectives and policies that preserve, protect, and enhance the environmental health of the City of Davis.
(c) Exhibit L to the Development Agreement, which explains how the BRPA Project includes a comprehensive set of public benefit commitments that enhance the long-term sustainability, livability, and fiscal health of the City of Davis.

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

Economic and Demographic Benefits

1. **Expansion of the City's property tax base.** The project's housing units will add an estimated $1.28 billion to the property tax base of the City, based on the assessed valuation assumption for the project's housing units. The project will generate property taxes, voter-adopted bonds, and other taxes for school districts and other special districts that will provide new revenue for essential public services in the City, such as schools, fire and police services, transportation and transit improvements, and more.

2. **Expansion and diversification of the City's housing stock**. CEQA Guidelines Section 15021 points to housing specifically as a factor to be considered when balancing a variety of public objectives. Section 15021(d) states: "CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." The project will provide 1,800 units of housing in a broad range of density and price points to help the City meet its fair share of regional housing needs. The project's 1,800 units in a range of densities, housing types, and price levels will increase housing supply in the City, thereby helping to lessen upward pressure on housing costs.

   As noted by the Governor and Legislature as recently as June 30, 2025, in the 2025–2026 state budget bill, California is facing a housing emergency. By adding 1,800 new residential units in the City, the project directly addresses this crisis, thereby furthering state housing policy while providing additional places for Davis residents with a wide range of incomes to live. Among the likely beneficiaries of the new housing from the project will be young professionals just out of school who may wish to continue living in Davis, as well as staff and faculty of UC Davis and employees of new start-ups and industries located in Davis.

3. **Expansion of school district enrollment and providing new educational opportunities**. The project will expand school enrollment in Davis by approximately 700 students, boosting the District's enrollment by about 5 percent. A combination of declining birth rates and housing unaffordability in Davis has placed a serious strain on Davis Joint Unified School District enrollment, resulting in a prolonged decline that, if not addressed, could lead to school closures, staffing cuts and reduced programming. Approving 1,800 units of new housing in the school district's service boundaries, particularly housing types that attract young families, will provide much-needed new students to the district.

   The project also includes a Prekindergarten (Pre-K) Early Learning Center located on 2.4 acres in the south-central portion of the project site. The Pre-K Early Learning Center would offer the combined services of preschool and daycare, with early education curriculum and childcare. The project will also include an educational farm dedicated to the DJUSD in the northeast portion of the project site/BRPA site to teach agricultural values and methods in an outdoor classroom environment. These components would also help to fulfill General Plan Policy 6.1, which directs the City to "[gi]ve local organizations, the School District, UC Davis, and the private sector opportunities and support for devising and implementing creative solutions for meeting recreation program and facility needs."

4. **Support for retail spending in the City.** The new housing in the project will add retail spending support for existing stores and attract new retail businesses. Based on the proposed housing unit costs and qualifying incomes needed for those housing units, the project will increase the available retail spending potential by about $75 million, with about $58 million on taxable retail goods. The initial phases of the project would likely result in sales growth for existing retail stores, thereby strengthening the City's retail market overall through increased sales volume and reducing retail vacancies. Over time, buildout of the project area could result in sufficient retail demand to support new stores. Strengthening support for retail stores will benefit existing City residents as well as new residents of the project.

5. **Addressing labor shortages and workforce needs.** Increasing the supply and diversity of housing by approving the project could attract new startups and business expansion by decision-makers who take into account the affordability and availability of housing within a reasonable commuting range for their employees. The medium- and high-density units provided in the project would expand the housing options for workers in regional industries that are experiencing labor shortages, such as manufacturing, wholesale trade, transportation and warehousing, and hospitality. Increasing the diversity and supply of housing with the project's 1,800 units will increase the City's attractiveness to new businesses and discourage existing businesses from moving elsewhere due to labor shortages caused in part by unaffordable housing costs.

Environmental, Policy, and Community Benefits

6. **Promoting contiguous, efficient growth.** As depicted in Figure 4.9-1 of the Draft EIR for the project, the site is mostly within the City's Sphere of Influence and contiguous with existing and recent developments, such as the Cannery, Northstar, and Wildhorse neighborhoods. The project would provide for a compact, efficient development pattern

with medium and high density uses that would fill an existing "gap" in the City's boundaries and link existing, like development, consistent with the City General Plan Policy LU.U.1, which promotes "compact development patterns, mixed uses, and higher-density development intensities that use land efficiently; reduce greenhouse gas emissions and auto dependence and the expenditure of energy and other resources; and that promote walking bicycling and transit use, consistent with SACOG's strategies to facilitate and streamline the development of residential mixed-use projects and Transit Priority Projects."

7. **Linking existing development through pedestrian and bicycle infrastructure connections.** The project includes pedestrian and bicycle paths and multi-modal roads throughout the project area, providing pedestrians and bicyclists with on- and off-street circulation options that connect open space and recreational areas with housing and commercial areas as well as trails and greenbelts. Also importantly, the project will provide pedestrian and bicycle connections through the project to existing development on the west and east sides of the project site, improving non-motorized access to and through all parts of the northwest area of the City. These features are consistent with and help to fulfill goals and policies in the City's General Plan, including but not limited to Policies UD 2.4, TRANS 1.6, TRANS 2.5, TRANS 4.2, TRANS 4.4, and TRANS 4.7.

8. **Providing substantial parks, open space, trails, and greenbelts**. The project includes a total of up to 27.1 acres of parks including a community park and a neighborhood park. Both parks would include playfields, at least one playground, and open turf areas. The proposed project exceeds the minimum of 23.58 acres required under the City Municipal Code.

   The project also includes 40.8 acres of neighborhood greenbelts and trails (approximately 7+ linear miles), or roughly 16 percent of the urban development area. These greenbelts and trails will be accessible to people from all over Davis and will provide a benefit to the City and its residents. These parks, open spaces, trails and greenbelts provided by the BRPA Project will help to fulfill General Plan Policies POS 1.5, POS 1.7, POS 3.1, and POS 4.2.

9. **Preserving a large amount of agricultural land.** The BRPA Project includes the preservation of agricultural uses on the 107-acre Northern Agricultural Area as well as a 200-foot–wide, 11.25-acre Urban Agriculture Transition Area separating the Northern Agricultural Area Parcel in the northern portion of the project from the urban uses to the south. The UATA exceeds the 150-foot minimum recommended in General Plan Policy LU N.3.

10. **Protecting natural habitat areas.** The BRPA Project preserves a 47.1-acre Natural Habitat Area, comprised of alkali prairie land cover that occurs around an alkali playa south of Channel A. Preservation of the Natural Habitat Area addresses General Plan Policy HAB 1.1.

11. **Providing affordable housing in excess of City minimums and making other positive contributions to City programs to support affordable housing and home ownership.** Through the inclusion of 360 units of income-restricted housing, dedication of the land for a project site for the development of those units, and contributions toward

the Davis Housing Trust Fund of $6,000,000 the project will generate an amount of affordability that is greater than the amount that would be generated under the standard affordability requirements for the City.

XI. CONCLUSION

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

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

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 BRPA have been eliminated or substantially lessened where feasible;

2. There are no feasible alternatives to the BRPA 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.

XII. LIST OF ACRONYMS AND ABBREVIATIONS

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

A

AAQS	Ambient Air Quality Standards
ACM	Asbestos-Containing Material
AMM	Avoidance and Minimization Measure

B

BMP	Best Management Practice
BRPA	Biological Resources Preservation Alternative

C

CAAP	Climate Action and Adaption Plan
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CC&Rs	Covenants, Conditions, and Restrictions
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
City	City of Davis
CKH Act	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
CLOMR	Conditional Letter of Map Revision
CLOMR-F	Conditional Letter of Map Revision based on Fill
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CR	County Road
CRHR	California Register of Historical Resources
CTCP	Construction-Traffic Control Plan
CWA	Clean Water Act

D

dB	Decibel
dBA	A-Weighted Decibel
DTSC	Department of Toxic Substances Control
du/ac	Dwelling Units per Acre

E

ECCP	East Covell Corridor Plan
EIR	Environmental Impact Report

ESA	Environmental Site Assessment

F

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

G

GHG	Greenhouse Gas

H

HCP/NCCP	Habitat Conservation Plan/Natural Community Conservation Plan

I

I	Interstate
ITP	Incidental Take Permit
ITS	Intelligent Transportation Systems
I-80	Interstate 80

L

LAFCo	Yolo Local Agency Formation Commission
LBP	Lead-Based Paint
LSAA	Lake or Streambed Alteration Agreement
LTF	Local Transportation Fund

M

MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendent
$MTCO_2e$/yr	Metric tons of carbon dioxide equivalent

N

NAHC	Native American Heritage Commission
NESHAP	Asbestos National Emission Standards for Hazardous Air Pollutants
NOA	Notice of Availability
NOI	Notice of Intent
NOP	Notice of Preparation
NO_X	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System

O

OCP	Organochlorine Presticide
OSHA	Occupational Safety and Health Administration

P

PERP	Portable Equipment Registration Program
PG&E	Pacific Gas and Electric Company
PM_{10}	Particulate Matter
PRC	Public Resources Code
Proposed Project	Village Farms Davis Project
PTO	Permit to Operate
PWUO	Public Works Utilities and Operations Department

R

REC	Recognized Environmental Condition
RHNA	Regional Housing Needs Allocation
RMD	Residential Medium Density
ROG	Reactive Organic Gases
RRFB	Rapid-Rectangular Flashing Beacon
RWQCB	Regional Water Quality Control Board

S

SACOG	Sacramento Area Council of Governments
SCH	State Clearinghouse
SLF	Sacred Lands File
SMAQMD	Sacramento Metropolitan Air Quality Management District
SOI	Sphere of Influence
SR	State Route
STA	State Transit Assistance
STC	Sound Transmission Class
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board

T

TDM	Transportation Demand Management
TIS	Transportation Impact Study
TMC	Technical Memorandum of Compliance

U

UATA	Urban Agricultural Transition Area
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank

V

VELB	Valley Elderberry Longhorn Beetle
VMT	Vehicle Miles Travelled
VOC	Volatile Organic Compound

Y

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

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

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

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

4.2 COMPLIANCE CHECKLIST

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

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

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

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

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

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

4.3 MITIGATION MONITORING AND REPORTING PROGRAM

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

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
4.1 Aesthetics					
4.1-4	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	*Proposed Project, Biological Resources Preservation Alternative* *4.1-4 In conjunction with submittal of the first tentative subdivision map for the Proposed Project or Biological Resources Preservation Alternative (BRPA), the developer shall submit a lighting plan for the review and approval of the Chief Building Official and the Community Development and Sustainability Director of the City of Davis. The lighting plan shall address limiting light trespass and glare on the project site/BRPA site through the use of shielding and directional lighting methods, which may include, but is not limited to, fixture location and height. The lighting plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control.*	City of Davis Chief Building Official and the Community Development and Sustainability Director	In conjunction with submittal of the first tentative subdivision map for the Proposed Project or BRPA	
4.1-7	Creation of new sources of light or glare associated with development of the Proposed Project or Biological Resources Preservation Alternative in combination with future buildout of the City of Davis.	*Proposed Project, Biological Resources Preservation Alternative* *4.1-7 Implement Mitigation Measure 4.1-4.*	See Mitigation Measure 4.1-4	See Mitigation Measure 4.1-4	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
4.2 Agricultural Resources					
4.2-1	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or agricultural land as defined in the CKH Act (Government Code Section 56064).	*Proposed Project, Biological Resources Preservation Alternative* *4.2-1 Prior to initiation of grading activities for each phase of development, the project applicant shall set aside in perpetuity, active agricultural acreage in an amount consistent with the applicable agricultural mitigation requirements of the appropriate jurisdiction.* *The agricultural land shall be located elsewhere in unincorporated Yolo County, through the purchase of development rights and execution of an irreversible conservation or agricultural easement, consistent with Section 40A.03.025 of the Davis Municipal Code. The location and amount of active agricultural acreage shall be subject to review and approval by the City of Davis Community Development Department. The amount of agricultural acreage set aside shall account for farmland lost due to the conversion of the project site. Pursuant to Davis Municipal Code Section 40A.03.040, the agricultural mitigation land shall be comparable in soil quality with the agricultural land being changed to nonagricultural use. The easement land must conform with the policies and requirements of Yolo Local Agency Formation Commission (LAFCo), including a LESA score that is a maximum of 10 percent below that of the project site. The easement instrument used to satisfy this measure shall conform to the*	City of Davis Community Development Department	Prior to initiation of grading activities for each phase of development	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		conservation easement template of the Yolo Habitat Conservancy or to another conservation easement template acceptable to the City of Davis.			
4.2-4	Involve changes in the existing environment which, due to their location or nature, could cumulatively result in loss of Farmland to non-agricultural use.	*Proposed Project, Biological Resources Preservation Alternative* *4.2-4 Implement Mitigation Measure 4.2-1.*	See Mitigation Measure 4.2-1	See Mitigation Measure 4.2-1	
4.3 Air Quality, Greenhouse Gas Emissions, and Energy					
4.3-2	Conflict with or obstruct implementation of the applicable air quality plan during project operation.	*Proposed Project, Biological Resources Preservation Alternative* *4.3-2 The following requirement shall be included in the Covenants, Conditions, and Restrictions (CC&Rs) for the residential subdivisions and all commercial and residential leases: Only zero-VOC paints, finishes, adhesives, and cleaning supplies shall be used for all buildings on the project site. Prior to approval of improvement plans for each small lot tentative map, draft language shall be provided to the City of Davis Community Development Department for review and approval.*	City of Davis Community Development Department	Prior to approval of Improvement Plans for each small lot tentative map	
4.3-6	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or	*Proposed Project, Biological Resources Preservation Alternative* *4.3-6 Implement Mitigation Measure 4.3-2.*	See Mitigation Measure 4.3-2	See Mitigation Measure 4.3-2	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
	State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).				
4.3-7	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during construction.	*Proposed Project, Biological Resources Preservation Alternative* *4.3-7(a) Prior to approval of any Improvement Plans and/or Grading Plans, the project applicant shall provide proof of compliance with the following to the satisfaction of the City of Davis Community Development Department:* *The project applicant shall show on the plans via notation that the contractor shall ensure that all off-road vehicles 25 horsepower or more to be used in the construction of the Proposed Project, including owned, leased, and subcontractor vehicles, shall be fueled by renewable diesel.* *In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to five minutes or less in accordance with the In-Use Off-Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.*	City of Davis Community Development Department and Public Works Department	Prior to approval of any Improvement Plans and/or Grading Plans	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Portable equipment over 50 horsepower must have either a valid YSAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB. *Proof of conformance with the foregoing requirements shall be submitted by the project contractor to the City of Davis Community Development and Public Works Departments for review and approval.* *Biological Resources Preservation Alternative* *4.3-7(b) Prior to the initiation of construction of Phase 1 the BRPA, including the concurrent construction of the Pole Line Road undercrossing, the project applicant shall demonstrate that construction-related GHG emissions would be reduced to 1,100 MTCO2e/yr and shall submit proof to the City of Davis Community Development Department.* *Construction-related GHG emissions can be reduced through several options, including, but not limited to, the following:* • *Modify the construction schedule to reduce the intensity of construction to lower emissions;* • *Ensure that phases of development do not overlap;*	City of Davis Community Development Department	Prior to the initiation of construction of Phase 1 of the BRPA	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**

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

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

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		• *Develop a plan to efficiently use water for adequate dust control.* *The project applicant may elect to implement any combination of the foregoing measures to reduce construction-related GHG emissions. All GHG emissions reductions must be quantified. Compliance with the aforementioned measures shall be ensured by the City of Davis Community Development and Public Works Department.* *If the quantified reduction measures do not reduce construction-related GHG emissions associated with Phase 1 of the BRPA to below 1,100 MTCO$_2$e/yr, offsite carbon credits may be purchased to make up the difference. The purchase of off-site mitigation credits shall be negotiated with the City and YSAQMD at the time that credits are sought. Off-site mitigation credits shall be real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2045. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		under the standards set forth herein, can be verified by the City of Davis and/or the YSAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by YSAQMD.			
4.3-8	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs during operation.	*Proposed Project, Biological Resources Preservation Alternative* *4.3-8 The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to the approval of the entitlement for each phase of the Proposed Project or the BRPA, the project proponent shall indicate how to complete and implement the following steps:* *1. Model operational GHG emissions using CalEEMod, or another method accepted for the purpose of modeling GHG emissions for the Proposed Project or the BRPA, taking into account applicable building standards and other regulatory requirements, as well as building design, use of renewable energy, etc. The updated modeling shall take into account any*	City of Davis Department of Community Development	Prior to approval of the entitlement for each phase of the Proposed Project or the BRPA	

MITIGATION MONITORING AND REPORTING PROGRAM
Village Farms Davis Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		updated project design measures incorporated in compliance with this mitigation measure or as proposed in future project design details. *2. Based on the construction and operational schedules proposed at the time of building permitting, the modeled emissions shall be compared to the maximum permitted emissions for the first year of occupancy, based on the applicable Table below:*			

Proposed Project		
Year	**Maximum Permitted Net Project Emissions ($MTCO_2e$)**	**Emissions Reductions Achieved ($MTCO_2e$)**
2033	18,160.00	0.00
2034	15,565.71	2,594.29
2035	12,971.43	5,188.57
2036	10,377.14	7,782.86
2037	7,782.86	10,377.14
2038	5,188.57	12,971.43
2039	2,594.29	15,565.71
2040	0.00	18,160.00
Total Emissions Reductions		*72,640.00*

MITIGATION MONITORING AND REPORTING PROGRAM
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BRPA

Year	Maximum Permitted Net Project Emissions ($MTCO_2e$)	Emissions Reductions Achieved ($MTCO_2e$)
2033	19,206.00	0.00
2034	16,462.29	2,743.71
2035	13,718.57	5,487.43
2036	10,974.86	8,231.14
2037	8,231.14	10,974.86
2038	5,487.43	13,718.57
2039	2,743.71	16,462.29
2040	0.00	19,206.00
Total Emissions Reductions		*76,824.00*

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

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
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		standards in place at the time of this environmental analysis; • *Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);* • *Implement Transportation Demand Management strategies, such as CAPCOA Handbook Strategy T-15 and T-20-A, in accordance with Mitigation Measure 4.13-4 of this EIR;* • *Provide electric vehicle charging infrastructure in excess of existing Tier 1 CBSC requirements; and/or* • *Purchase carbon credits to offset project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by CARB, YSAQMD, or the City of Davis. Off-site mitigation credits shall be real,*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code Section 38562, subdivisions (d)(1) and (d)(2). The offsets shall be retired, and emissions must be offset through the year 2040. Such credits shall be based on CARB-approved protocols that are consistent with the criteria set forth in subdivision (a) of Section 95972 of Title 17 of the CCR, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		verified by the City of Davis and/or the YSAQMD. Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) any registry established by YSAQMD. *4. The emissions reductions resulting from implementation of the above measures shall be calculated, using methods acceptable to the City.* *5. Proof of compliance with the maximum annual net emissions targets and the steps above shall be verified through the submittal of a Technical Memorandum of Compliance (TMC) to the City of Davis Department of Community Development. The TMC shall*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		document the following minimum items: modeling (step 1); comparison of modeled emissions to maximum emissions levels identified in Mitigation Measure 4.3-8(a) (step 2); chosen feasible actions to achieve required reductions (step 3); and measurable GHG reduction value of each action (step 4). TMCs prepared in compliance with the foregoing steps may cover individual operational years or multiple operational years. Should a TMC be prepared for multiple operational years, the TMC shall demonstrate compliance with the maximum emissions levels for each year included in the TMC. *6. Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development. The City upon review and acceptance of implementation, shall issue the certificate of occupancy.*			
4.4 Biological Resources					
4.4-1	Have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species.	*Proposed Project, Biological Resources Preservation Alternative* *4.4-1(a) If construction does not commence by the end of 2027 (i.e., within three years from the date of Madrone's 2024 protocol-level plant surveys), protocol-level special-status plant surveys shall be conducted throughout the study area in accordance with the U.S. Fish*	City of Davis Community Development Department and Public Works Utilities	If construction does not commence by the end of 2027, at the appropriate time of year when plants are identifiable and	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
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		and Wildlife Service (USFWS) Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants; the California Native Plant Society (CNPS) Botanical Survey Guidelines of the California Native Plant Society; and the California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The protocols require conducting surveys at the appropriate time of year, when plants are identifiable and in bloom and/or in fruit (which may include multiple visits to capture blooming and/or fruiting periods for all target plants), and includes ensuring that habitats are not disturbed prior to the survey so that any plants that are present may be documented. A report summarizing the results of the protocol-level special-status plant surveys shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department. *If, based on whichever is approved, the Proposed Project or Biological Resources Preservation Alternative (BRPA) avoids the special-status plants through an associated "Avoidance Zone," then further mitigation is not necessary. The size of the Avoidance Zone needed to prevent impacts may vary based on the plant species and its habitat*	and Operations Department	in bloom and/or in fruit	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		requirements. If a special-status plant listed under the federal Endangered Species Act (FESA) or California Endangered Species Act (CESA) is found and is to be avoided, then an appropriate Avoidance Zone shall be developed in consultation with USFWS or CDFW, as applicable. If the species is not listed under FESA or CESA, an appropriate Avoidance Zone shall be developed by a qualified botanist in consultation with the City of Davis. Avoidance Zone areas may differ by species and site-specific conditions, and they shall be developed such that the avoided special-status plant population is likely to persist in perpetuity. Avoidance zones may be based on a fixed buffer distance from the special-status plant population, at the limit of a hydrologic break (such as Channel A), or as otherwise determined appropriate for the species in question. For plants associated with seasonal wetlands, the Avoidance Zone shall be 250 feet, but this zone may be as small as 50 feet for plant species that occur in uplands and do not appear to be associated with wetland hydrology.			
		4.4-1(b) If any impacts (direct or indirect) would occur to special-status plants, a Special-Status Plant Mitigation Plan shall be developed and submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department (or USFWS or CDFW, as appropriate for FESA- or CESA-listed species). The Special-Status	City of Davis Community Development Department and Public Works Utilities and Operations Department	Prior to issuance of a grading permit if any impacts would occur to special-status plants	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Plant Mitigation Plan shall be subject to review and approval by the City, USFWS, or CDFW (as appropriate, based on listing status) prior to issuance of a grading permit that would impact the plants. The project proponent shall mitigate according to one or a combination of the options below. It should be noted that the options are minimum recommendations; the USFWS and/or CDFW may require additional mitigation if the plants are FESA- or CESA-listed. • *Indirect impacts: Indirect impacts would occur if the Proposed Project or BRPA avoids the mapped populations, but affects a portion of an Avoidance Zone. The project proponent shall mitigate for indirect impacts through a 0.5:1 mitigation ratio (mitigation-to-impact), based on the acreage or number of plants that have impacts within an Avoidance Zone. If there are dense populations, acreage may be a better metric for dense population, while mitigation based on number of plants may be better for relatively few, widely scattered plants.* • *Direct impacts: Direct impacts would occur if grading or other direct disturbance occurs within mapped populations. The project proponent shall mitigate for direct impacts through a 1:1 ratio for preservation of*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		an existing population, or a 2:1 ratio for relocation/translocation of impacted plants/seeds. The ratios may be based on the acreage of occupied habitat or number of plants. The metric shall be clearly defined in the Special-Status Plant Mitigation Plan. ○ *<u>Preservation</u>: Identify one or more existing, unprotected populations of the special-status plant that would be impacted by the Proposed Project or BRPA in the project vicinity and protect the population in perpetuity by establishing a preserve on the land that supports those populations. Once the proposed mitigation area is approved by the City of Davis and/or USFWS/CDFW (as appropriate, based on listing status, if any), the mitigation area shall be protected by a recorded conservation easement or deed restriction and managed in accordance with a long-term management plan that maintains the habitats the conservation easement was established to protect (including the special-status plants). Additionally, a*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		preserve management endowment shall be established to fund the long-term management outlined in the long-term management plan, or sufficient annual management funding shall be a condition of a Homeowner's Association, Community Services District, or other alternative as approved by the City of Davis or regulating agency. *As this option would preserve an existing, established population, temporal loss would not occur and the option would include low risk of failure. The 1:1 ratio may be based on the acreage of occupied habitat or number of plants; this metric shall be clearly defined in the Special-Status Plant Mitigation Plan. This option may be implemented at a mitigation/conservation bank if the target plant species is present at the bank. The Special-Status Plant Mitigation Plan shall describe how the purchase of bank*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		credits translates into appropriate 1:1 preservation. ○ *<u>Relocation and translocation</u>: Mitigate impacts by establishment of a new special-status plant population or expansion of an existing special-status plant population. The proposed mitigation area may be on-site or off-site and shall be permanently protected by the recordation of a conservation easement or deed restriction, development of a long-term management plan that maintains the habitats that the conservation easement was established to protect, and establishment of a preserve management endowment or sufficient annual management funding as a condition of a Homeowner's Association, Community Services District, or other alternative, as approved by the City of Davis or regulating agency.* *The project proponent shall locate and protect the mitigation area(s), translocate seeds or relocate perennial*			

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		plants to the mitigation area(s), monitor the translocated/relocated seeds/plants for a minimum of five years, and meet established success criteria as detailed in the Special-Status Plant Mitigation Plan. The minimum success criterion for this option shall be a 2:1 replacement of directly impacted plants and 1:1 replacement for indirectly impacted plants by year five of monitoring (or as otherwise required by the regulatory agencies). This ratio may be based on the acreage of occupied habitat or number of plants. This metric shall be clearly defined in the Special-Status Plant Mitigation Plan. *If the success criteria are not met, then additional habitat shall be set aside as set forth by the Preservation requirements or as agreed upon by the City of Davis and/or USFWS/CDFW, as appropriate. Because population sizes for annual plants can vary widely from year to year, for relocation or*			

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		translocation, population counts or acreage mapping shall be conducted in the last two years of monitoring, and the highest count or acreage shall be at least equivalent to the number of required replacement plants.			
		4.4-1(c) If construction does not commence by the end of 2027 (i.e., within three years from the date of Madrone's 2024 protocol-level plant surveys), the following measure shall be required: *<u>Yolo HCP/NCCP AMM11</u>: Palmate-bracted bird's-beak is covered by the Yolo HCP/NCCP only for the removal of suitable habitat and not for the removal of palmate-bracted bird's beak plants. This AMM ensures compliance with this provision. To determine if palmate-bracted bird's-beak is present and could be affected, the project proponent will conduct a planning-level survey for this species for any covered activities to be conducted within 250 feet of suitable habitat (as defined in Appendix A, Covered Species Accounts). The survey will be conducted during the period from May 31 to September 30 and will be consistent with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Game 2009).*	Yolo Habitat Conservancy	If construction does not commence by the end of 2027	

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		The project proponent will avoid occupied habitat where palmate-bracted bird's beak has been located within any of the last 15 years (seed viability could be as little as three years and as much as six years, as described in Appendix A, Section A.1.2, Species Description and Life History). The project proponent also will avoid any new occurrences of this species identified during planning-level surveys. Avoidance will require a 250-foot setback from the occupied habitat, or greater distance depending on site-specific topography to avoid hydrologic effects. A shorter buffer distance may apply if is determined to avoid effects and is approved by the Conservancy, USFWS, and CDFW. Mortality of palmate-bracted bird's beak individuals will be avoided, except as needed through management activities that provide an overall benefit to the species.			
4.4-2	Have a substantial adverse effect, either directly or through habitat modifications, on Crotch's bumble bee.	*Proposed Project, Biological Resources Preservation Alternative* *4.4-2 The provisions contained herein only apply if Crotch's bumble bee remains a candidate species or is listed under CESA at the commencement of construction. Following CDFW's status report on Crotch's bumble bee, if the California Fish and Game Commission finds that the petitioned action is not warranted, the provisions contained herein shall not be required.*	City of Davis Community Development Department and Public Works Utilities and Operations Department	If Crotch's bumble bee remains a candidate species or is listed under CESA, prior to the commencement of construction activities	

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		If feasible, initial ground-disturbing activities associated with the Proposed Project or BRPA (e.g., grading, vegetation removal, staging) shall take place between September 1 and March 31 (i.e., outside the colony active period) to avoid potential impacts on special-status bumble bees. If completing all initial ground-disturbing activities between September 1 and March 31 is not feasible, then at a maximum of 14 days prior to the commencement of construction activities, a qualified biologist with 10 or more years of experience conducting biological resource surveys within California, and familiar with Crotch's bumble bee life history, shall conduct a preconstruction survey for special-status bumble bees in the area(s) proposed for impact. *The survey shall occur during the period from one hour after sunrise to two hours before sunset, with temperatures between 65 degrees Fahrenheit and 90 degrees Fahrenheit, with low wind and zero rain. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying biologist shall select the most appropriate days based on the National Weather Service seven-day forecast and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present within the*			

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		area proposed for impact, and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources. Suitable floral resources for Crotch's bumble bee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae. Suitable floral resources for western bumble bee include species in the following families: Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera Eriogonum and Penstemon. *At a minimum, preconstruction survey methods shall include the following:* • *Search areas with floral resources for foraging bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumble bees are present;* • *If special-status bumble bees are observed, watch any special-status bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest;*			

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		• *Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat;* • *If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of a minimum of four inches to assist with locating the nest;* • *Look for concentrated special-status bumble bee activity;* • *Listen for the humming of a nest colony; and* • *If bumble bees are observed, attempt to photograph the individual and identify it to species.* *The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed bumble bee activity, a list of bumble bee species observed, a description of any vegetation removed to facilitate the survey, and their determination of if survey observations suggest a special-status bumble bee nest(s) may be present or if construction activities could result in take of special-status bumble bees. The report shall be submitted to the City of Davis Community Development Department and Public Works Utilities and*			

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		Operations Department prior to the commencement of construction activities. *If bumble bees are not located during the preconstruction survey or the bumble bees located are definitively identified as a common species (i.e., not special-status species), then further mitigation or coordination with the CDFW is not required.* *If any sign(s) of a bumble bee nest is observed, and if the species present cannot be established as a common bumble bee, then construction shall not commence until either (1) the bumble bees present are positively identified as common (i.e., not a special-status species), or (2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include, but not be limited to, waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit (ITP) from CDFW.* *If special-status bees are located, and after coordination with CDFW take of special-status bumble bees cannot be avoided, the project proponent shall obtain an ITP from CDFW, and the project proponent shall implement all conditions identified in the ITP. Mitigation required by the ITP may include, but not be limited to, the project proponent translocating nesting substrate in accordance with the latest scientific research to another suitable location*			

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		(i.e., a location that supports similar or better floral resources as the impact area), enhancing floral resources on areas of the project site/BRPA site that will remain appropriate habitat, worker awareness training, and/or other measures specified by CDFW.			
4.4-3	Have a substantial adverse effect, either directly or through habitat modifications, on special-status branchiopods	*Proposed Project and Biological Resources Preservation Alternative* *4.4-3 If occupied aquatic habitat is located in planned development areas associated with the Proposed Project or BRPA, the project proponent shall consult with the USFWS regarding impacts to federally listed vernal pool tadpole shrimp prior to the approval by the City of Davis of any permit authorizing construction.* *The project proponent shall obtain and comply with any conditions of the appropriate take authorization from the USFWS. The conditions in the take authorization may include, but shall not be limited to, fencing off avoided habitat; worker awareness training; preservation, restoration, or enhancement of habitat on- or off-site to compensate for indirect and/or direct effects; purchase of habitat credits (the mitigation ratio for habitat preservation is generally 2:1) from an agency-approved mitigation/conservation bank; working with a local land trust to preserve land; or any other method acceptable to USFWS.*	City of Davis Community Development Department	If occupied aquatic habitat is located in planned development areas associated with the Proposed Project or BRPA, prior to the approval of any permit authorizing construction	

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4.4-4	Have a substantial adverse effect, either directly or through habitat modifications, on monarch butterfly.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-4 The provisions contained herein only apply if monarch butterfly remains proposed for listing under FESA at the commencement of construction.* *If construction occurs during the time when milkweed plants may host monarch eggs or caterpillars (approximately mid-March through late September), a preconstruction survey shall be conducted by a qualified biologist within the proposed impact area and a 50-foot buffer in accessible areas for the presence of eggs, larvae (i.e., caterpillars), or pupae, at most, 14 days prior to plant removal. Additionally, other plants immediately adjacent to milkweed plants shall also be searched for chrysalises. If eggs, caterpillars, or pupae are not detected, additional protection measures are not necessary.* *A report summarizing the results of the survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department.* *If eggs, caterpillars, or pupae are found, the plants shall be avoided with a 50-foot buffer until metamorphosis is completed and adult butterflies emerge and leave the host plant. If the eggs, larvae, or chrysalises cannot be*	City of Davis Community Development Department and Public Works Utilities and Operations Department	If monarch butterfly remains proposed for listing under FESA, prior to construction if construction occurs during the time when milkweed plants may host monarch eggs or caterpillars (approximately mid-March through late September)	

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		avoided, all eggs, larvae, and chrysalises, including the portion of the plant to which they are attached, shall be translocated to an alternative location. The location must be a minimum of 50 feet outside of the impact area and contain a similarly sized or larger population of larval host plants. The portions of the plants supporting eggs or chrysalises shall be tied to the live stem of the avoided larval host plant while caterpillars shall be placed directly on a stem or leaf of a larval host plant. Should the species be listed under FESA in the future, coordination with USFWS shall be conducted prior to translocation.			
4.4-5	Have a substantial adverse effect, either directly or through habitat modifications, on VELB.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-5 Yolo HCP/NCCP AMM12: The project proponent will retain a qualified biologist who is familiar with valley elderberry longhorn beetle and evidence of its presence (i.e., exit holes in elderberry shrubs) to map all elderberry shrubs in and within 100 feet of the project footprint with stems that are greater than one inch in diameter at ground level. To avoid take of valley elderberry longhorn beetle fully, the project proponent will maintain a buffer of at least 100 feet from any elderberry shrubs with stems greater than one inch in diameter at ground level. AMM1, Establish Buffers, describes circumstances in which a lesser buffer may be applied. For elderberry shrubs that cannot be avoided with a designated buffer distance as described*	Yolo Habitat Conservancy	Prior to the commencement of construction	

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		above, the qualified biologist will quantify the number of stems one inch or greater in diameter to be affected, and the presence or absence of exit holes. The Conservancy will use this information to determine the number of plants or cuttings to plant on a riparian restoration site to help offset the loss, consistent with Section 6.4.2.4.1, Valley Elderberry Longhorn Beetle. Additionally, prior to construction, the project proponent will transplant elderberry shrubs identified within the project footprint that cannot be avoided. *Transplantation will only occur if a shrub cannot be avoided and, if indirectly affected, the indirect effects would otherwise result in the death of stems or the entire shrub. If the project proponent chooses, in coordination with a qualified biologist, not to transplant the shrub because the activity would not likely result in death of stems of the shrub, then the qualified biologist will monitor the shrub annually for a five-year monitoring period. The monitoring period may be reduced with concurrence from the wildlife agencies if the latest research and best available information at the time indicates that a shorter monitoring period is warranted. If death of stems at least one inch in diameter occurs within the monitoring period, and the qualified biologist determines that the shrub is sufficiently healthy to transplant, the project proponent will transplant the shrub as described in the following paragraph, in coordination with the*			

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		qualified biologist. If the shrub dies during the monitoring period, or the qualified biologist determines that the shrub is no longer healthy enough to survive transplanting, then the Conservancy will offset the shrub loss consistent with the preceding paragraph. *The project proponent will transplant the shrubs into a location in the HCP/NCCP reserve system that has been approved by the Conservancy. Elderberry shrubs outside the project footprint but within the 100-foot buffer will not be transplanted.* *Transplanting will follow the following measures:* *1. Monitor: A qualified biologist will be on-site for the duration of the transplanting of the elderberry shrubs to ensure the effects on elderberry shrubs are minimized.* *2. Timing: The project proponent will transplant elderberry plants when the plants are dormant, approximately November through the first two weeks of February, after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the plant and increase transplantation success.* *3. Transplantation procedure:*			

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		a. Cut the plant back three to six feet from the ground or to 50 percent of its height (whichever is taller) by removing branches and stems above this height. Replant the trunk and stems measuring one inch or greater in diameter. Remove leaves that remain on the plants. *b. Relocate plant to approved location in the reserve system, and replant as described in Section 6.4.2.4.1, Valley Elderberry Longhorn Beetle.*			
4.4-6	Impacts to western spadefoot either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-6 Prior to the commencement of construction, one nocturnal acoustic survey of all areas within 300 feet of suitable aquatic habitat shall be conducted during the spring prior to construction of the Proposed Project or BRPA. Acoustic surveys shall consist of walking through the area and listening for the distinctive snore-like call of the species. Timing and methodology for the aquatic and acoustic surveys shall be based on those described in Distribution of the Western Spadefoot (Spea hammondii) in the Northern Sacramento Valley of California, with Comments on Status and Survey*	City of Davis Community Development Department and Public Works Utilities and Operations Department	Prior to the commencement of construction	

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		Methodology. If both the aquatic survey and the nocturnal acoustic survey are negative, further mitigation shall not be necessary. A report summarizing the results of the aquatic survey and nocturnal acoustic survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department. *If western spadefoots are identified within the study area during the surveys and the species is not a federally listed species or candidate species and is still a California Species of Special Concern, the following shall be conducted:* • *The tadpoles (as many as are reasonably possible to capture) shall be captured and relocated either to aquatic habitat to be avoided on-site (and implement the fencing requirement outlined below), or to an off-site open space preserve with suitable habitat in the vicinity of the project site/BRPA site. If western spadefoot are observed within aquatic habitat proposed for avoidance, then the project proponent may either relocate the tadpoles to an off-site open space preserve with suitable habitat in the vicinity of the project site/BRPA site, or install silt fence along the edge of the proposed impact*			

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		area within 300 feet of the occupied aquatic habitat to prevent metamorphosed individuals from dispersing into the construction area. *If western spadefoots are identified within the study area during the surveys and the species is a federally listed species or a candidate for listing, the following shall be conducted:* • *The project proponent shall consult with the USFWS regarding impacts to western spadefoot from the Proposed Project or BRPA. The project proponent shall obtain and comply with any conditions of the appropriate take authorization from the USFWS. The conditions in the take authorization may include, but not necessarily be limited to, fencing off avoided habitat; worker awareness training; preservation, restoration, or enhancement of habitat on- or off-site to compensate for indirect and/or direct effects; purchase of habitat credits from an agency-approved mitigation/conservation bank; working with a local land trust to preserve land; or any other method acceptable to USFWS.*			

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4.4-7	Have a substantial adverse effect, either directly or through habitat modifications, on northwestern pond turtle.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-7 Yolo HCP/NCCP AMM14: There are no specific design requirements for western pond turtle habitat, however, project proponents must follow design requirements for the valley foothill riparian and lacustrine and riverine natural communities described in AMMs 9 and 10, which require a 100-foot (minimum) permanent buffer zone from the canopy drip-line (the farthest edge on the ground where water will drip from the tree canopy, based on the outer boundary of the tree canopy). If modeled upland habitat will be impacted, a qualified biologist must be present and will assess the likelihood of western pond turtle nests occurring in the disturbance area (based on sun exposure, soil conditions, and other species habitat requirements). If a qualified biologist determines that there is a moderate to high likelihood of western pond turtle nests within the disturbance area, the qualified biologist will monitor all initial ground disturbing activity for nests that may be unearthed during the disturbance, and will move out of harm's way any turtles or hatchlings found.*	Yolo Habitat Conservancy	Prior to the commencement of construction	
4.4-8	Have a substantial adverse effect, either directly or through habitat modifications, on tricolored blackbird.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-8 Yolo HCP/NCCP AMM21: The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as*	Yolo Habitat Conservancy	Prior to the commencement of construction	

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		defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008). *Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures.* *If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the*			

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		project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.			
4.4-9	Have a substantial adverse effect, either directly or through habitat modifications, on burrowing owl.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-9 The project applicant shall comply with Yolo HCP/NCCP AMM18. However, should the Yolo HCP/NCCP be modified with respect to burrowing owl coverage in the future given the recent change in the species' status, the project applicant shall comply with the Yolo HCP/NCCP provisions pertaining to burrowing owl as they exist at the time of permit issuance.* *<u>Yolo HCP/NCCP AMM18</u>: The project proponent will retain a qualified biologist to conduct planning-level surveys and identify western burrowing owl habitat (as defined in Appendix A, Covered Species Accounts) within or adjacent to (i.e., within 500 feet of) a covered activity. If habitat for this species is present, additional surveys for the species by a qualified biologist are required, consistent with CDFW guidelines (Appendix L).* *If burrowing owls are identified during the planning-level survey, the project proponent*	Yolo Habitat Conservancy	Prior to the commencement of construction	

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		will minimize activities that will affect occupied habitat as follows. Occupied habitat is considered fully avoided if the project footprint does not impinge on a nondisturbance buffer around the suitable burrow. For occupied burrowing owl nest burrows, this nondisturbance buffer could range from 150 to 1,500 feet (Table 4-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls [incorporated as Table 4.4-7 of this chapter]), depending on the time of year and the level of disturbance, based on current guidelines (California Department of Fish and Game 2012). The Yolo HCP/NCCP generally defines low, medium, and high levels of disturbances of burrowing owls as follows. • *Low: Typically 71-80 dB, generally characterized by the presence of passenger vehicles, small gas-powered engines (e.g., lawn mowers, small chain saws, portable generators), and high-tension power lines. Includes electric hand tools (except circular saws, impact wrenches and similar). Management and enhancement activities would typically fall under this category. Human activity in the immediate vicinity of burrowing owls would also constitute a low level of disturbance, regardless of the noise levels.*			

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

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		construction activities may result in this level of disturbance.			

Table 4.4-7
Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls

Time of Year	Level of Disturbance (feet) from Occupied Burrows		
	Low	Medium	High
April 1-August 15	600	1,500	1,500
August 16-October 15	600	600	1,500
October 16-March 31	150	300	1,500

Source: Yolo Habitat Conservancy. Yolo County Habitat Conservation Plan/Natural Community Conservation Plan [Table 4-2]. April 2018.

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

If the project does not fully avoid direct and indirect effects on nesting sites (i.e., if the project cannot adhere to the buffers described above), the project proponent will retain a qualified biologist to conduct preconstruction

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		surveys and document the presence or absence of western burrowing owls that could be affected by the covered activity. Prior to any ground disturbance related to covered activities, the qualified biologist will conduct the preconstruction surveys within three days prior to ground disturbance in areas identified in the planning-level surveys as having suitable burrowing owl burrows, consistent with CDFW preconstruction survey guidelines (Appendix L, Take Avoidance Surveys). The qualified biologist will conduct the preconstruction surveys three days prior to ground disturbance. Time lapses between ground disturbing activities will trigger subsequent surveys prior to ground disturbance. *If the biologist finds the site to be occupied by western burrowing owls during the breeding season (February 1 to August 31), the project proponent will avoid all nest sites, based on the buffer distances described above, during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups that forage on or near the site following fledging). Occupancy of burrowing owl habitat during preconstruction surveys is confirmed at a site when at least one burrowing owl or sign (fresh whitewash, fresh pellets, feathers, or nest ornamentation) is observed at or near a burrow entrance. Construction may occur inside of the disturbance buffer during the*			

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

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		the adults and juveniles from the occupied burrows have moved out of the project site, and the Conservancy, CDFW, and USFWS agree. • *If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the project proponent may remove the nondisturbance buffer, only with concurrence from CDFW and USFWS. If the burrow cannot be avoided by construction activity, the biologist will excavate and collapse the burrow in accordance with CDFW's 2012 guidelines to prevent reoccupation after receiving approval from the wildlife agencies.* *If evidence of western burrowing owl is detected outside the breeding season (December 1 to January 31), the project proponent will establish a non-disturbance buffer around occupied burrows, consistent with Table 4-2 (incorporated as Table 4.4-7 of this chapter), as determined by a qualified biologist. Construction activities within the disturbance buffer are allowed if the following criteria are met to prevent owls from abandoning important overwintering sites:* • *A qualified biologist monitors the owls for at least three days prior to construction to determine baseline*			

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

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

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		and will be created less than 300 feet from the existing burrows on lands that are protected as part of the reserve system.			
4.4-10	Have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk or white-tailed kite.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-10 <u>Yolo HCP/NCCP AMM16</u>: The project proponent will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.* *If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will,*	Yolo Habitat Conservancy	Prior to the commencement of construction	

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

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		young have fledged and the nest is no longer active.			
4.4-11	Have a substantial adverse effect, either directly or through habitat modifications, on northern harrier, other nesting birds, and other raptors protected under the MBTA and CFGC.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-11 If construction activities take place during the typical bird breeding/nesting season (February 15 through August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist throughout the project site/BRPA site and all accessible areas within a 500-foot radius of proposed construction areas, at most, 14 days prior to the commencement of construction. If a break in construction activity of more than 14 days occurs, then subsequent surveys shall be conducted. A report summarizing the survey(s) shall be provided to the City of Davis Community Development Department and Public Works Utilities and Operations Department within 30 days of the completed survey and is valid for one construction season. If nests are not found, further mitigation is not required.* *If active raptor nests are found, construction activities shall not take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot non-disturbance buffer shall be established. The non-disturbance buffers may be reduced if a smaller, sufficiently protective buffer is approved by the City after taking into consideration the natural history of the species*	City of Davis Community Development Department and Public Works Utilities and Operations Department	If construction activities take place during the typical bird breeding/nesting season (February 15 through August 31), no more than 14 days prior to the commencement of construction	

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		of bird nesting, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, and nest concealment (i.e., whether visual or acoustic barriers occur between the proposed activity and the nest). A qualified biologist may visit the nest, as needed, to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season. *If the nest buffer is reduced but construction activities cause a nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop the agitated behavior. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the City.* *Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the biologist has been conducted and a report has been prepared indicating that the nest (or nests) are not active any longer, and that new nests have not been identified.*			

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4.4-12	Have a substantial adverse effect, either directly or through habitat modifications, on special-status roosting bats.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-12 A preconstruction roosting bat survey shall be conducted by a qualified biologist within 14 days prior to any tree or structure removal that would occur during the breeding season (April through August). A report summarizing the results of the preconstruction roosting bat survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department. If preconstruction surveys indicate that roosts of special-status bats are not present, or that roosts are inactive or potential habitat is unoccupied, further mitigation shall not be required. If roosting bats are found, exclusion shall be conducted by the qualified biologist in coordination with CDFW. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by the qualified biologist. Two-step tree removal involves removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree. Building exclusion methods may include such techniques as installation of passive one-way doors, or the installation of netting when the bats are not present to prevent their reoccupation. Once the bats have been excluded, tree or building removal may occur.*	City of Davis Community Development Department and Public Works Utilities and Operations Department	Within 14 days prior to any tree or structure removal that would occur during the breeding season (April through August)	

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4.4-13	Have a substantial adverse effect, either directly or through habitat modifications, on American badger.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-13 Within 48 hours prior to the commencement of construction, a preconstruction survey for American badger shall be conducted by a qualified biologist. A report summarizing the results of the preconstruction survey shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department. If American badger or burrows with American badger are found on-site during the preconstruction survey, consultation with CDFW shall occur prior to the initiation of any construction activities, to determine an appropriate burrow excavation and/or relocation method. If American badger is not found, further mitigation shall not be required.*	City of Davis Community Development Department and Public Works Utilities and Operations Department	Within 48 hours prior to the commencement of construction	
4.4-14	Have a substantial adverse effect on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-14(a) Yolo HCP/NCCP AMM9: The buffers for each sensitive natural community are as follows:* • *Alkali prairie and vernal pools: The area necessary to provide the hydrologic conditions needed to support the wetlands within these natural communities (250 feet). Covered activities will avoid vernal pools or alkali seasonal wetlands by 250 feet, or other distance based on site specific topography to avoid*	Yolo Habitat Conservancy	Prior to the commencement of construction	

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		indirect hydrologic effects. A buffer of less than 250 feet around vernal pools or alkali seasonal wetlands will be subject to wildlife agency concurrence that effects will be avoided. Considerations that may warrant a buffer of less than 250 feet may include topography (i.e., if the surrounding microwatershed extends less than 250 feet from the pool or wetland), intervening hydrologic barriers such as roads or canals, or other factors indicating that the proposed disturbance area does not contribute to the pool's hydrology. Other considerations may include temporary disturbance during the dry season where measures are implemented to avoid disturbance of the underlying claypan or hardpan, and the area is returned to pre-project conditions prior to the following rainy season. • *Valley foothill riparian: One hundred feet from canopy drip-line. If avoidance is infeasible, a lesser buffer or encroachment into the sensitive natural community may be allowed if approved by the Conservancy and the wildlife agencies, based on the criteria listed in AMM1. Transportation or utility crossings may encroach into this sensitive natural community*			

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		provided effects are minimized and all other applicable AMMs are followed. • *Lacustrine and riverine: Outside urban planning units, 100 feet from the top of banks. Within urban planning units, 25 feet from the top of the banks.* • *Fresh emergent wetland: Fifty feet from the edge of the natural community.*			
		4.4-14(b) Prior to the commencement of ground-disturbing activities, the project proponent shall apply for a Section 1600 Lake or Streambed Alteration Agreement (LSAA) from CDFW. The information provided shall include a description of all the activities associated with the Proposed Project or BRPA, not just those closely associated with the drainages and/or riparian vegetation. *Impacts shall be outlined in the application and shall be in substantial conformance with the impacts to biological resources outlined in the Biological Resources Assessment prepared for the Village Farms Davis Project by Madrone Ecological Consulting. Impacts for each activity shall be broken down by temporary and permanent impacts, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding project-specific drainage and hydrology changes*	City of Davis Community Development Department and Public Works Utilities and Operations Department	Prior to the commencement of ground disturbing activities	

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		resulting from project implementation shall be provided, as well as a description of stormwater treatment methods. *Minimization and avoidance measures shall be proposed, as appropriate, and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific stormwater best management practices (BMPs).* *Mitigation for impacts to riparian vegetation may include restoration or enhancement of resources on- or off-site, purchase of off-site habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to CDFW. Mitigation shall result in no net loss of riparian vegetation. Written verification of the Section 1600 LSAA shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.*			
4.4-15	Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.)	*Proposed Project and Biological Resources Preservation Alternative* *4.4-15(a) Implement Mitigation Measure 4.4-14(a).*	See Mitigation Measure 4.4-14(a)	See Mitigation Measure 4.4-14(a)	

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	through direct removal, filling, hydrological interruption, or other means.	*4.4-15(b) Yolo HCP/NCCP AMM10: Project proponents will comply with stormwater management plans that regulate development as part of compliance with regulations under National Pollutant Discharge Elimination System (NPDES) permit requirements. Covered activities that result in any fill of waters or wetlands will also comply with requirements under Section 404 of the Clean Water Act, State Water Resources Control Board (State Board), Fish and Game Code Section 1602, and Regional Board regulations. Other than requirements for buffers, minimizing project footprint, and species-specific measures for wetland-dependent covered species, this HCP/NCCP does not include specific best management practices for protecting wetlands and waters because they may conflict with measures required by the USACE, State Board, Regional Board, and CDFW.*	Yolo Habitat Conservancy	Prior to the commencement of construction	
		4.4-15(c) Prior to the commencement of construction, the project proponent shall apply for a Section 404 permit from the U.S. Army Corps of Engineers (USACE). Waters that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE. Written verification of the Section 404 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.	City of Davis Community Development Department and Public Works Utilities and Operations Department	Prior to the commencement of construction	

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		4.4-15(d) Prior to the commencement of construction, the project proponent shall apply for a Section 401 water quality certification/waste discharge requirement from the Regional Water Quality Control Board (RWQCB), and adhere to the certification conditions. Written verification of the Section 401 permit shall be submitted to the City of Davis Community Development Department and Public Works Utilities and Operations Department.	City of Davis Community Development Department and Public Works Utilities and Operations Department	Prior to the commencement of construction	
4.4-17	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands or impacting individual trees.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-17 Prior to the commencement of construction, the project proponent shall retain a certified arborist to conduct a tree inventory throughout the study area, the results of which shall be submitted for review and approval to the City of Davis Community Development Department and Public Works Utilities and Operations Department.* *If the project would result in impacts to city trees, street trees, and/or trees of significance, as defined by Davis Municipal Code Chapter 37, the potential impacts to such trees shall be mitigated in accordance with the City's Tree Ordinance. Final mitigation requirements shall be determined by the City of Davis and may include the following options:* • *Incorporation of existing healthy trees into the design of the project;* • *Replanting of trees on-site;*	City of Davis Community Development Department and Public Works Utilities and Operations Department	Prior to the commencement of construction	

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		• *Replanting of trees off-site in City-owned open space or park; and/or* • *Payment to the City's Tree Preservation Fund in lieu of replacement.*			
4.4-18	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-18(a) <u>Yolo HCP/NCCP AMM3</u>: Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.*	Yolo Habitat Conservancy	Prior to the commencement of construction	
		4.4-18(b) <u>Yolo HCP/NCCP AMM4</u>: To prevent injury and mortality of giant garter snake, western pond turtle, and California tiger salamander, workers will cover open trenches and holes associated with implementation of covered activities that affect habitat for these species or design the trenches and holes with escape ramps that can be used during non-working hours. The construction contractor will inspect open trenches and holes prior to filling and	Yolo Habitat Conservancy	Prior to the commencement of construction	

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		contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.			
		4.4-18(c) Yolo HCP/NCCP AMM5: Workers will minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.	Yolo Habitat Conservancy	Prior to the commencement of construction	
		4.4-18(d) Yolo HCP/NCCP AMM6: All construction personnel will participate in a worker environmental training program approved/authorized by the Conservancy and administered by a qualified biologist. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating the FESA and NCCPA Permits. A pre-recorded video presentation by a qualified biologist shown to construction personnel may fulfill the training requirement.	Yolo Habitat Conservancy	Prior to the commencement of construction	
		4.4-18(e) Yolo HCP/NCCP AMM7: Workers will direct all lights for nighttime lighting of project construction sites into the project construction area and minimize the lighting of natural habitat areas adjacent to the project construction area.	Yolo Habitat Conservancy	Prior to the commencement of construction	
		4.4-18(f) Yolo HCP/NCCP AMM8: Project proponents should locate construction staging and other	Yolo Habitat Conservancy	Prior to the commencement of	

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		temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they will be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land). Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following: • *Serpentine, valley oak woodland, alkali prairie, vernal pool complex, valley foothill riparian, and fresh emergent wetland land cover types.* • *Occupied western burrowing owl burrows. [Occupied for the purpose of AMM8 means at least one burrowing owl has been observed occupying the burrow within the last three years. Occupancy of a burrow may also be indicated by owl sign at the burrow entrance, including molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site]* • *Nest sites for covered bird species and all raptors, including noncovered raptors, during the breeding season.*		construction	

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		Project proponents will follow specific AMMs for sensitive natural communities (Section 4.3.3, Sensitive Natural Communities) and covered species (Section 4.3.4, Covered Species) in temporary staging and work areas. For establishment of temporary work areas outside of the project footprint, project proponents will conduct surveys to determine if any of the biological resources listed above are present. Within one year following removal of land cover, project proponents will restore temporary work and staging areas to a condition equal to or greater than the covered species habitat function of the affected habitat. Restoration of vegetation in temporary work and staging areas will use clean, native seed mixes approved by the Conservancy that are free of noxious plant species seeds. *4.4-18(g) Implement Mitigation Measures 4.4-1(c), 4.4-5, 4.4-7, 4.4-9, 4.4-10, 4.4-11, 4.4-14(a), and 4.4-15(b).*	See Mitigation Measures 4.4-1(c), 4.4-5, 4.4-7, 4.4-9, 4.4-10, 4.4-11, 4.4-14(a), and 4.4-15(b)	See Mitigation Measures 4.4-1(c), 4.4-5, 4.4-7, 4.4-9, 4.4-10, 4.4-11, 4.4-14(a), and 4.4-15(b)	
4.4-19	Cumulative loss of habitat for special-status species.	*Proposed Project and Biological Resources Preservation Alternative* *4.4-19 Implement Mitigation Measures 4.4-14(a), 4.4-14(b), 4.4-15(a), 4.4-15(b), 4.4-15(c), and 4.4-15(d).*	See Mitigation Measures 4.4-14(a), 4.4-14(b), 4.4-15(a), 4.4-	See Mitigation Measures 4.4-14(a), 4.4-14(b), 4.4-15(a), 4.4-15(b), 4.4-15(c), and 4.4-15(d)	

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			15(b), 4.4-15(c), and 4.4-15(d)		
4.5 Cultural and Tribal Cultural Resources					
4.5-1	Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, Section 15064.5.	*Proposed Project, Biological Resources Preservation Alternative* *4.5-1 Prior to construction of any off-site improvements that could alter the railroad segment (P-57-000977), improvement plans shall be reviewed by an architectural historian to ensure that the improvements are designed consistent with the guidelines outlined in The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. Proof of compliance with the aforementioned standards shall be submitted to the City of Davis Department of Community Development for review and approval.*	City of Davis Department of Community Development	Prior to construction of any off-site improvements that could alter the railroad segment	
4.5-2	Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5.	*Proposed Project, Biological Resources Preservation Alternative* *4.5-2 If archaeological resources are encountered during subsurface excavation activities, the City and Yocha Dehe Wintun Nation (Tribe) shall be notified immediately and all construction activities within a 100-foot radius of the resource shall cease. In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, treatment of all cultural items, including ceremonial items and archeological items*	City of Davis and Yocha Dehe Wintun Nation (Tribe)	During construction if any archaeological resources are encountered	

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		shall reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archeological items, which may be found at the project site shall be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project proponent shall waive any and all claims to ownership of tribal ceremonial and cultural items, including archeological items, which may be found on the project site, in favor of the Tribe. If any intermediary is necessary (for example, an archaeologist retained by the project proponent), said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe. *If additional significant sites or sites not identified as significant in the project environmental review process, but later determined to be significant, are located within the project impact area, such sites shall be subjected to further archeological and cultural significance evaluation by the project proponent, the City of Davis, and the Tribe to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner, consistent with CEQA requirements for mitigation of impacts to cultural resources. If human remains are present that have been identified as Native*			

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		American, all work shall cease for a period of up to 30 days in accordance with federal Law. *The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of the foregoing requirements. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified cultural resources specialist and Native American Representative from the Tribe. If the resource is determined to be significant under CEQA, the City and Native American Representative from the Tribe shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the Native American Representative from the Tribe shall prepare and implement a research design and archaeological data recovery plan for the resource. The cultural resources specialist, in consultation with the Native American Representative from the Tribe, shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System), and provide for the permanent curation of the recovered materials. The Tribe*			

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		shall be afforded the opportunity to review all documents before submission to the appropriate information center.			
4.5-3	Disturb any human remains, including those interred outside of dedicated cemeteries	*Proposed Project, Biological Resources Preservation Alternative* *4.5-3 In accordance with the Tribe's Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation, if Native American human remains are found during the course of the proposed Project, the determination of Most Likely Descendant ("MLD") under California PRC Section 5097.98 shall be made by the Native American Heritage Commission ("NAHC"), upon notification to the NAHC of the discovery of said remains at the project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC shall contact the Tribe. A tribal member shall be designated by the Tribe to consult with the landowner and/or project proponents. Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.* *In the event that Native American human remains are found during development of the*	Native American Heritage Commission	If Native American human remains are found during the course of the Proposed Project	

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

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		The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.			
4.5-4	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074.	*Proposed Project, Biological Resources Preservation Alternative* *4.5-4(a) Prior to commencement of ground disturbing activities, the applicant shall arrange for a member of Yocha Dehe Wintun Nation to conduct Cultural Sensitivity Training to the construction crew. Generally, the training would consist of a presentation to the construction crew about types of resources and evidence thereof, role of the Tribe, what to do if resources are uncovered, etc. To schedule Cultural Sensitivity Training prior to commencement of construction, the applicant shall contact the Cultural Resources Department Administrative Staff, Yocha Dehe Wintun Nation, Office (530) 796-3400, Email: THPO@yochadehe-nsn.gov. Proof of compliance with this measure shall be provided to the Davis Community Development Department.*	City of Davis Community Development Department	Prior to the commencement of ground disturbing activities	

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		4.5-4(b) Prior to commencement of construction activities, the applicant shall retain an archaeologist to prepare a written monitoring plan that describes the role of the tribal monitors, archaeological monitors, and developer's representatives, timelines for advanced notification to Yocha Dehe Wintun Nation prior to grading, and the procedures to follow in the event archaeological/tribal remains are uncovered. The procedures shall comply with Yocha Dehe Wintun Nation's "Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation." Proof of compliance shall be provided to the Davis Community Development Department.	City of Davis Community Development Department	Prior to commencement of construction activities	
		4.5-4(c) During grading, excavating, and trenching of soils within the project site, a tribal monitor and archaeological monitor shall be present on-site, as determined in the monitoring plan. *During deep excavation/trenching for sewer mains, storm drains, waterlines, etc. in all portions of the project site, a tribal monitor and archaeological monitor shall be present on-site, as determined in the monitoring plan.* *The foregoing measures shall be included in the project's written monitoring plan, required in Mitigation Measure 4.5-4(b).*	See Mitigation Measure 4.5-4(b)	During grading, excavating, and trenching of soils within the project site	

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4.6 Geology and Soils					
4.6-3	Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial risks to life or property.	*Proposed Project, Biological Resources Preservation Alternative* *4.6-3 Prior to final design approval and issuance of building permits for the Proposed Project or BRPA, the project applicant shall submit a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer to the City of Davis Community Development Department and Public Works Department, for review and approval. The report shall include the results of a site-specific subsurface exploration, laboratory testing, and engineering analysis. The design-level report shall be performed after site configuration/layout has been established. The investigation shall include several exploratory borings and test pits throughout the project site/BRPA site to evaluate the potential presence of undocumented fill, tilled/disturbed soil thickness, liquefaction potential, and excavation characteristics. The design-level geotechnical engineering report shall evaluate soil expansion potential and include the results of a laboratory plasticity index and expansion index testing. The report shall include the geotechnical recommendations specified in the Preliminary Geotechnical Evaluation prepared for the Proposed Project and BRPA, unless it is determined in the design-level report that one or more recommendations need to be revised.*	City of Davis Public Works – Engineering and Transportation Department and the City of Davis Community Development Department – Building Division	Prior to final design approval and issuance of building permits for the Proposed Project or BRPA	

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		The design-level geotechnical engineering report shall address, at a minimum, the following: • *Compaction specifications and subgrade preparation for on-site soils;* • *Structural foundations;* • *Grading practices;* • *Liquefaction potential; and* • *Expansive/unstable soils, including fill.* *Prior to issuance of any improvement plans, the foundation and improvement plans shall incorporate design-level recommendations. All foundation and improvement plans shall be reviewed and approved by the City of Davis Public Works – Engineering and Transportation Department, and the City of Davis Community Development Department – Building Division prior to issuance of any building permits.*			
4.6-4	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	*Proposed Project, Biological Resources Preservation Alternative* *4.6-4 Should paleontological resources be discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find. Construction may continue in areas outside of the buffer zone. The applicant shall notify the Public Works Department and the City of Davis Community Development Department and retain a qualified paleontologist to inspect the discovery. If*	City of Davis Public Works – Engineering and Transportation Department and the City of Davis Public Works –	If paleontological resources are discovered during ground-disturbing activities	

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		deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology [UCMP] or Sierra College), where the discovery would be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement plans approved by the City of Davis Public Works – Engineering and Transportation Department and the City of Davis Public Works – Utilities and Operations Department for the Proposed Project or BRPA, where excavation work would be required.	Utilities and Operations Department		
4.7 Hazards and Hazardous Materials					
4.7-2	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	*Proposed Project and Biological Resources Preservation Alternative* *4.7-2(a) Prior to issuance of a demolition permit by the City for the on-site two-story tank house, shallow soil impacted by toxaphene at the former barn, shed, and trailer locations within the project site/Biological Resources Preservation Alternative (BRPA) site shall be removed and disposed of off-site in accordance with federal, State, and local regulations at an appropriate Class I or Class II facility permitted by the Department of Toxic*	City of Davis Department of Community Development and Public Works Utilities and Operations Department	Prior to the issuance of a demolition permit by the City for the on-site two-story tank house	

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		Substances Control (DTSC), or other options implemented as deemed satisfactory by Yolo County Environmental Health Division (YCEHD) and/or DTSC. The removal and off-site disposal of soil impacted by toxaphene shall concurrently address the limited area where lead was detected at concentrations exceeding the screening level for residential soil in the Urban Development Area Phase II Environmental Site Assessment (ESA) prepared for the Proposed Project by Geocon Consultants, Inc. (Geocon). The soil removal shall be performed under the oversight of the YCEHD, unless the YCEHD defers oversight to a State agency. Verification soil sampling and laboratory analysis shall be required to demonstrate that the impacted soil was removed, and a completion report shall document the proper handling and disposal of the impacted soil. Results of soils sampling, analysis, and the completion report shall be submitted for review and approval to the City of Davis Department of Community Development and Public Works Utilities and Operations Department (PWUO).			
		4.7-2(b) Prior to issuance of a demolition permit by the City for the on-site two-story tank house, the interior of the water tank house shall be surveyed for asbestos-containing materials (ACMs) in accordance with applicable Yolo-Solano Air Quality Management District (YSAQMD) regulations, including, but not necessarily limited to, Rule 9.9, Section 401.	City of Davis City Engineer	Prior to issuance of a demolition permit by the City for the on-site two-story tank house	

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		Written notification to YSAQMD shall be provided a minimum of 10 working days prior to commencement of any demolition activity, whether asbestos is present or not. The structure interior shall also be inspected for deteriorated (peeling/flaking) lead-based paint (LBP) prior to demolition activities. If LBP is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with California Air Resources Board recommendations and OSHA requirements. The demolition contractor shall be informed that all paint on the interior of the structure shall be considered as containing lead. *The contractor shall follow all work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. Work practice standards generally include appropriate precautions to protect construction workers and the surrounding community, and appropriate disposal methods for construction waste containing lead paint or asbestos in accordance with federal, State, and local regulations subject to approval by the City Engineer.*			
		4.7-2(c) *Prior to commencement of construction activities, the locations of the geophysical*	City of Davis Department of	Prior to commencement of	

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		anomalies identified at the former barn and residence locations identified in the Urban Development Phase II ESA prepared for the Proposed Project by Geocon shall be investigated through exploratory trenching. The results of the investigation and any soil sampling and analysis that occurs shall be submitted for review and approval to the City of Davis Department of Community Development and Public Works Utilities and Operations Department (PWUO). If evidence of underground storage tanks (USTs) is not found, further mitigation shall not be required. *If USTs are identified, the project applicant shall submit an Authority to Remove Underground Storage Tanks Application to the YCEHD for review and approval, pursuant to the requirements set forth in Yolo County Code Section 6-11.12.8. As part of the Authority to Remove Underground Storage Tanks Application, the project applicant shall also pay associated fees. At minimum, the Authority to Remove Underground Storage Tanks Application shall detail the following:* • *The proposed schedule for collection and sampling of soils beneath the on-site USTs and along piping runs;* • *The DTSC and U.S. Environmental Protection Agency (USEPA) standards against which collected on-site soils shall be tested;*	Community Development and Public Works Utilities and Operations Department	construction activities	

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		• *Applicable work practice standards, in accordance with the Occupational Safety and Health Administration (OSHA) Technical Manual, that shall be implemented to ensure appropriate precautions are incorporated to protect construction workers and the surrounding community during removal of the on-site USTs and associated piping runs;* • *The proposed disposal methods for on-site soils associated with the USTs and piping runs;* • *The proposed date of UST closure inspection; and* • *The methods with which soils shall be remediated on-site, if contaminants in tested soils exceed applicable standards. If on-site remediation is not possible, the methods and routes in which contaminated soils shall be hauled to an appropriate facility for disposal.* *In accordance with California Code of Regulations (CCR) Title 22, Division 4.5, Chapter 32, the existing on-site USTs and primary piping shall be managed as hazardous waste upon removal, unless such facilities are cleaned on-site and certified by a YCEHD representative as non-hazardous in accordance with DTSC hazardous waste regulations. UST removal and sampling*			

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		activities shall be witnessed by a YCEHD representative.			
		4.7-2(d) Prior to commencement of construction activities, the project applicant shall hire a licensed well contractor to obtain a well abandonment permit from YCEHD for all on-site water supply wells, and properly abandon the on-site water supply wells in accordance with Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III). Verification of abandonment shall be submitted for review and approval of the City of Davis Department of Community Development and YCEHD.	City of Davis Department of Community Development and Yolo County Environmental Health Division	Prior to commencement of construction activities	
		4.7-2(e) Prior to commencement of construction activities, the project applicant shall consult with the Central Valley Regional Water Quality Control Board (RWQCB) and YCEHD to determine if on-site monitoring wells can be abandoned. Confirmation shall be obtained from the YCEHD documenting that the proposed development is not subject to landfill post-closure requirements associated with CCR Title 27 Section 21190(g). If additional soil vapor monitoring is not anticipated to be performed, soil vapor monitoring wells VP1 and VP2 shall be abandoned under permit from the YCEHD. *If the Central Valley RWQCB and YCEHD confirm that all or a portion of on-site monitoring wells may be abandoned, the*	City of Davis Community Development Department, City of Davis Public Works Utilities and Operations Department, Central Valley Regional Water Quality Control Board, and Yolo County Environmental Health Division.	Prior to commencement of construction activities	

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		project applicant shall hire a licensed well contractor to obtain a well abandonment permit from YCEHD for the identified on-site monitoring wells to be abandoned, and properly abandon the wells in accordance with Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III). Verification of abandonment shall be submitted for review and approval of the RWQCB, City of Davis Department of Community Development and Sustainability, and YCEHD. *If the Central Valley RWQCB and YCEHD prohibit the abandonment of all or a portion of the on-site monitoring wells, the project applicant shall ensure that the improvement plans show that all project improvements comply with applicable minimum setback distances established by the YCEHD Water Well Program. Verification that the improvement plans properly document minimum setback distances shall be subject to review and approval of the Public Works Utilities and Operations Department (PWUO), RWQCB, and YCEHD.*			
		4.7-2(f) Prior to commencement of grading and construction, the construction contractor, a representative from Pacific Gas & Electric Company (PG&E), and a representative from the City of Davis Public Works Department shall meet on the project site/BRPA site and the applicant shall prepare site-specific safety	City of Davis Public Works Department	Prior to commencement of grading and construction	

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		guidelines for construction in and around the buried natural gas pipeline to the satisfaction of the Public Works Department . The safety guidelines and field-verified location of the on-site buried natural gas pipeline shall be noted on the improvement plans and included in all construction contracts involving the project site/BRPA site.			
4.8 Hydrology and Water Quality					
4.8-1	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction.	*Proposed Project and Biological Resources Preservation Alternative* *4.8-1 Prior to commencement of construction, the applicant shall obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground disturbance. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation. A copy of the SWPPP including BMP implementation provisions shall be submitted to the City of Davis Public Works – Utilities and Operations Department.*	City of Davis Public Works – Utilities and Operations Department	Prior to commencement of construction	

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4.8-2	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations.	*Proposed Project and Biological Resources Preservation Alternative* *4.8-2 Prior to approval of final project improvement plans, a final Stormwater Control Plan shall be submitted to City of Davis Public Works – Utilities and Operations Department for review and approval. The final Stormwater Control Plan shall be in compliance with all applicable provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II MS4 General Permit (NPDES General Permit No. CAS612008, Order No. R2-2022-0018) and shall meet the standards of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. Site design measures, source-control measures, hydromodification management, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the improvement plans. The final plans shall include calculations demonstrating that the water quality BMPs are appropriately sized, using methodology in the CASQA Stormwater BMP Handbook for New Development and Redevelopment. The final plans shall also incorporate the proposed components for maintaining the stormwater-treatment facilities*	City of Davis Public Works – Utilities and Operations Department	Prior to approval of final project improvement plans	

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4.8-4	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	*Proposed Project, Biological Resources Preservation Alternative* *4.8-4 In conjunction with submittal of the first tentative subdivision map for the Proposed Project or BRPA, a design-level drainage report shall be submitted to the City of Davis Public Works – Utilities and Operations Department for review and approval. The drainage report shall identify specific storm drainage design features to control the 200-year, 10-day increased runoff from the project site to ensure that the rate of runoff leaving the developed site does not exceed the pre-project condition. This may be achieved through: on-site conveyance and detention facilities, storage within the on-site UATA, or equally effective measures to control the rate and volume of runoff.* *The design-level drainage report shall perform an updated net impact evaluation of downstream East Davis Ponding, taking into consideration the final on-site storm water system design, when the downstream flow is blocked by high water levels in the Willow Slough Bypass. The final amount of runoff volume to be detained would be determined with the design-level drainage report. This could result in detaining run-off volume for an extended time period.*	City of Davis Public Works – Utilities and Operations Department	In conjunction with submittal of the first tentative subdivision map for the Proposed Project or BRPA	

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		Design-level recommendations provided in the drainage report shall be included in the improvements plans prior to their approval by the City of Davis Public Works – Utilities and Operations Department.			
4.8-5	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation.	*Proposed Project and Biological Resources Preservation Alternative* *4.8-5 Prior to improvement plan approval, and if required by the Federal Emergency Management Agency (FEMA), the Yolo County Flood Control and Water Conservation District, or the City Floodplain Administrator, the applicant shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area. A copy of the letter shall be provided to the City of Davis Public Works Engineering and Transportation Department. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be provided to the City of Davis Public Works Engineering and Transportation Department prior to acceptance of project improvements as complete.*	City of Davis Public Works Engineering and Transportation Department	Prior to the improvement plan approval and if required by the Federal Emergency Management Agency, the Yolo County Flood Control and Water Conservation District, or the County Floodplain Administrator	
4.10 Noise					
4.10-1	Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan	*Proposed Project, Biological Resources Preservation Alternative* *4.10-1 Prior to the approval of grading and/or building permits, the following requirements shall be noted on Improvement Pans, subject to review and approval of the City of Davis Community Development Department:*	City of Davis Community Development Department	Prior to the approval of grading and/or building permits	

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	or noise ordinance, or applicable standards of other agencies	• *The proposed project shall incorporate eight-foot-tall temporary sound barriers between the existing sensitive receptors and construction activities, as determined by a qualified acoustical consultant prior to commencement of construction (reference locations in Table 4.10-10 of the Village Farms Draft EIR). The sound barrier fencing shall consist of 0.5-inch plywood or minimum Sound Transmission Class (STC) 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier shall be free from gaps, openings, or penetrations to ensure maximum performance;* • *Construction activities shall only take place between the hours of 7:00 AM and 7:00 PM, Monday through Friday, and 8:00 AM and 8:00 PM, on Saturday;* • *All construction equipment powered by internal-combustion engines shall be properly muffled and maintained;* • *Quiet construction equipment, particularly air compressors, are to be selected whenever possible;* • *All stationary noise-generating construction equipment, such as generators or air compressors, are to be located as far as practical from existing residences. In addition, the*			

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		project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site/BRPA site; • *Unnecessary idling of internal-combustion engines is prohibited; and* • *The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest to the project site/BRPA site during all project construction.*			
4.13 Transportation					
4.13-1	Conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities	*Proposed Project, Biological Resources Preservation Alternative* *4.13-1 Prior to any construction activities for the project site/BRPA site, the project applicant shall prepare a detailed Construction Traffic Control Plan (CTCP) and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Yolo County, Caltrans, Unitrans, Yolobus, and local emergency service providers for their input prior to approving the CTCP. The CTCP shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. A copy of the CTCP shall be submitted to local emergency response agencies and the agencies shall be*	City of Davis Department of Public Works	Prior to any construction activities for the project site/BRPA site	

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		notified at least 14 days prior to the commencement of construction that would partially or fully obstruct roadways. At a minimum, the CTCP shall include: • *The number of truck trips, time, and day of street closures;* • *Time of day of arrival and departure of trucks;* • *Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;* • *Provision of a truck circulation pattern that minimizes effects on existing vehicle traffic during peak travel periods and maintains safe bicycle circulation;* • *Prohibition on use of public roads by haul trucks transporting soil from the Uban Agricultural Transition Area (UATA) to the development portion of the project site;* • *Resurface and/or repair any damage to roadways that occurs as a result of construction traffic;* • *Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);*			

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		• *Maintain safe and efficient access routes for emergency vehicles;* • *Manual traffic control when necessary;* • *Proper advance warning and posted signage concerning street closures; and* • *Provisions for pedestrian safety.*			
4.13-2	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities	*Proposed Project, Biological Resources Preservation Alternative* *4.13-2(a) In conjunction with submittal of a tentative map, the Project applicant shall submit a focused traffic impact study to determine if any of the intersection and roadway mitigations are required based on the additional traffic generated by the subject development phase. The focused traffic study shall address the impact of adding the individual phase of development to existing plus other approved/pending development projects. The project applicant shall construct physical improvements as identified in the focused traffic study.*	City of Davis Community Development Department	In conjunction with submittal of a tentative map	
		4.13-2(b) Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall implement modifications to improve the East Covell Boulevard/Pole Line Road intersection as follows, to the satisfaction of the City of Davis City Engineer:	City of Davis City Engineer	Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA	

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		• *Install marked crosswalks and accompanying pedestrian crossing signals on the north and west legs to provide temporal separation between pedestrians and conflicting vehicular movements.* • *Eliminate the eastbound and westbound channelized right-turn lanes and replace them with standard right-turn pockets. Alternatively, modify the eastbound and westbound channelized right-turn lanes to reduce the speed of turning vehicles and to reduce pedestrian/bicycles exposure to conflicting vehicular traffic.* • *Install high visibility bike lane conflict markings at the intersection approaches.* *Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists and pedestrians that would otherwise be caused by the project and promote bicycle and pedestrian travel to and from the project site. Improvements that would further enhance safety for people walking and biking would include the conversion of the intersection into a protected intersection (similar to East Covell Boulevard/L Street) or a roundabout.*			

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		4.13-2(c) The project applicant shall construct a roundabout with pedestrian and bicycle crossings on all legs at the Pole Line Road/Moore Boulevard intersection. Bicycle and pedestrian crossings shall be placed through the splitter islands for each roundabout approach to minimize the number of multi-lane crossings, and shall be designed to the satisfaction of the City Engineer. In addition, the project applicant shall install traffic signals and pedestrian crossings on all legs at the Pole Line Road/Donner Avenue and Pole Line Road/Picasso Avenue intersections. *Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be caused by the project and promote bicycle and pedestrian travel to and from the project site/BRPA site.*	City of Davis City Engineer	The project will be conditioned to provide a phasing plan prior to any work commencing on the site. This plan will include additional traffic analysis for each phase to identify when these mitigation measures would be needed based on how the project is phased	
		4.13-2(d) Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall install bicycle and pedestrian crossing improvements at the East Covell Boulevard/Birch Lane intersection, consistent with the planned improvements identified in the East Covell Corridor Plan (ECCP), to the satisfaction of the City Engineer. The improvements shall include: installation of	City of Davis City Engineer	Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA	

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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		high visibility bike lane conflict markings in the northbound and southbound direction across both East Covell Boulevard and Denison Drive; high visibility marked crosswalks across the east leg of the East Covell Boulevard/Birch Lane intersection and across the east and south legs of the Birch Lane/Denison Drive intersection; and installation of a bike lane with conflict markings at the northbound approach of the East Covell Boulevard/Birch Lane intersection. *Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be exacerbated by the project and promote bicycle and pedestrian travel to and from the project site/BRPA site.*			
		4.13-2(e) Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall install bicycle and pedestrian crossing improvements at the Cannery Loop elbow adjacent to Cannery Dog Park, to the satisfaction of the City Engineer. Improvements shall include the installation of high visibility crosswalk markings and the installation of a rapid-rectangular flashing beacon (RRFB) at the existing diagonal crossing.	City of Davis City Engineer	Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be caused by the project and promote bicycle and pedestrian travel to and from the project site/BRPA site.			
		4.13-2(f) Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall install high visibility bicycle and pedestrian crossing markings and accompanying signage at the three Oak Tree Plaza driveway intersections with the East Covell Boulevard shared-use path, consistent with the ECCP, to the satisfaction of the City Engineer. *Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be exacerbated by the project and promote bicycle and pedestrian travel to and from the project site/BRPA site.*	City of Davis City Engineer	Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA	
		4.13-2(g) Prior to occupancy of the first residential unit during Phase I of the Proposed Project/BRPA, to the satisfaction of the City Engineer, the project applicant shall install Class III bike route pavement markings (e.g., green-backed sharrows) and accompanying signage on	City of Davis City Engineer	Prior to occupancy of the first residential unit during Phase I of the Proposed Project/BRPA	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Birch Lane between East Covell Boulevard and Pole Line Road. *Implementation of the foregoing improvements, or a set of improvements of equal effectiveness as determined by the City Engineer, would reduce the potential for conflicts involving bicyclists or pedestrians that would otherwise be exacerbated by the project and promote bicycle and pedestrian travel to and from the project site.*			
4.13-3	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services.	*Proposed Project, Biological Resources Preservation Alternative* *4.13-3(a) Implement Mitigation Measure 4.9-4.* *4.13-3(b) Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, the project applicant shall fund a Transit Service and Facilities Plan for the area encompassing the project site and other development along the north side of the Covell Boulevard and Mace Boulevard corridor between the westerly city limits and the I-80 interchange. The plan shall be led either by Unitrans and Yolobus, or by the City with Unitrans and Yolobus participating as active project partners. The plan shall be guided by the Unitrans and Yolobus service development processes, and shall be subject to approval by the City of Davis Transportation Department. The Transit Service and Facilities*	See Mitigation Measure 4.9-4 City of Davis Transportation Department	See Mitigation Measure 4.9-4 Prior to occupancy of Phase 1 of the Proposed Project/BRPA	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Plan shall identify transit service and facility improvements required in accordance with Unitrans and Yolobus policies related to unmet transit needs, timing for improvements, transit service warrants, and performance standards. *The applicant shall fund the implementation of transit service and facilities improvements to the extent that they are identified in the aforementioned Transit Service and Facilities Plan with the explicitly focus of implementing improvements that would address Proposed Project/BRPA-related contributions to unmet transit needs and project-related deficiencies with respect to transit service warrants and performance standards. The Proposed Project/BRPA shall not be responsible for funding improvements that address existing deficiencies. Potential transit improvements include the following:* *1) Modifying existing transit routes or adding new routes to serve the project site, adding service capacity (through increased headways and/or larger vehicles) to prevent overcrowding and maintain productivity standards.* *2) Constructing transit priority treatments to improve on-time performance (i.e., transit signal priority and/or Intelligent Transportation Systems (ITS) upgrades at East Covell Boulevard*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		traffic signals, transit queue jumps at East Covell Boulevard intersections, etc.). *3) Improving terminal facilities (i.e., stops) to accommodate additional passengers and transit vehicles.* *4) Implementing transit pass/fare subsidies for residents and employees.* *Improvements shall be selected based on relevant performance data and targeted to address those areas not meeting established Unitrans performance standards. Transit facility improvements shall be designed and constructed pursuant to applicable City of Davis, Unitrans, and Yolobus standards.* *To implement this mitigation measure, the Proposed Project/BRPA shall establish an appropriate funding mechanism (e.g., Community Facilities District or other mechanism determined acceptable by the City), to fund transit service and facilities improvements to adhere to Unitrans and Yolobus policies related to unmet transit needs, transit service warrants, and performance standards. The funding mechanism shall provide funding for capital costs and on-going operation of transit services. On-going annual fees would be identified and paid by the applicant to fund necessary transit service and facility improvements. Fees would be assessed on all*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		future project land uses that generate an increased demand for transit services, including residential, commercial, civic, and recreation land uses. The project's funding contributions allocated through the funding mechanism shall be limited to improvements and/or portions of improvements that are attributable to the project's contributions to deficient transit service and/or operations. The project shall not contribute funding towards improvements needed to address existing deficiencies and/or improvements needed to address deficiencies attributable to other future land use projects. *Prior to establishing the funding mechanism, the applicant shall submit to the City for review and approval a complete and adequate report supporting the level of assessments/fees necessary for the establishment and continuation of the funding mechanism. The report shall be prepared by a registered engineer, in consultation with a qualified financial consultant. The report shall identify the transit services intended to be funded by the mechanism, the cost to establish and operate these services, the portion of the overall costs to be funded by the applicant, and the assessment/fees to obtain the necessary funding, including a methodology for calculating fee increases over time. A transit service to be explicitly funded by the mechanism and included in the report would be the implementation of transit service and*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		facilities improvements necessary to adhere to Unitrans and Yolobus policies related to unmet transit needs, transit service warrants, and performance standards. Project contributions towards on-going operating costs shall consider other regular established transit funding sources, such as the State of California Local Transportation Fund (LTF) and State Transit Assistance (STA) fund, as well as potential contributions from other future development that would benefit from these transit improvements.			
4.13-4	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	*Proposed Project, Biological Resources Preservation Alternative* *4.13-4 Prior to occupancy of the first residential unit, the project applicant shall implement TDM strategies to reduce the number of vehicle trips that would be generated by the residential component of the Proposed Project/BRPA, subject to review and approval by the City Engineer. The TDM strategies may include, but not necessarily be limited to, CAPCOA Handbook Strategy T-16 and T-20-A.*	City of Davis City Engineer	Prior to occupancy of the first residential unit	
4.13-7	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian and bicycle facilities, associated with cumulative development of the Proposed Project or the BRPA in	*Proposed Project, Biological Resources Preservation Alternative* *4.13-7 Implement Mitigation Measures 4.13-2(a) through (f).*	See Mitigation Measures 4.13-2(a) through (f)	See Mitigation Measures 4.13-2(a) through (f)	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
	combination with future buildout of the City of Davis.				
4.13-8	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit facilities and services, associated with cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis	*Proposed Project, Biological Resources Preservation Alternative* *4.13-8 Implement Mitigation Measures 4.13-3(a) and (b).*	See Mitigation Measures 4.13-3(a) and (b)	See Mitigation Measures 4.13-3(a) and (b)	
4.13-9	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) associated with cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis.	*Proposed Project, Biological Resources Preservation Alternative* *4.13-9 Implement Mitigation Measure 4.13-4.*	See Mitigation Measure 4.13-4	See Mitigation Measure 4.13-4	
4.13-11	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) associated with	*Proposed Project, Biological Resources Preservation Alternative* *4.13-11 Prior to occupancy of the first residential unit during Phase 1 of the Proposed Project/BRPA, to the satisfaction of the City of Davis, the project applicant shall enter into an agreement to contribute fair share funding, as*	City of Davis Public Works Engineering and Transportation	Prior to occupancy of the first residential unit during Phase 1 of	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
	cumulative development of the Proposed Project or the BRPA in combination with future buildout of the City of Davis.	*determined by the City of Davis Public Works Engineering and Transportation Department, to cover their proportionate cost of the following improvements at the West Covell Boulevard/SR 113 and Mace Boulevard/Chiles Road/I-80 interchanges:* • *Covell Boulevard between Shasta Drive/Risling Court and Birch Lane: Coordinate traffic signals, optimize signal timings, and operate with a 140 second cycle length during the a.m. peak period and a 150 second cycle length during the p.m. peak period. Note that these improvements may require controller or communications upgrades.* • *Mace Boulevard between Alhambra Drive and Cowell Boulevard: Coordinate traffic signals, optimize signal timings, and operate with a 150 second cycle length during the a.m. and p.m. peak periods. Note that these improvements may require controller or communications upgrades.* • *West Covell Boulevard/SR 113 Southbound Ramps: Construct a second westbound left-turn lane and a second receiving lane on the southbound on-ramp.* • *West Covell Boulevard/SR 113 Northbound Ramps: Modify the northbound off-ramp to consist of*	Department	the Proposed Project/BRPA	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		three lanes approaching West Covell Boulevard, including one left-turn lane, one shared left/through/right lane, and one right-turn lane. Construct a second eastbound left-turn lane. • *Mace Boulevard/Second Street/County Road 32A: Modify the northbound approach to consist of five lanes, including two left-turn pockets, two through lanes, and a right-turn pocket.* • *Mace Boulevard/I-80 Eastbound Slip On-Ramp: Extend the on-ramp and relocate the ramp meter 500 feet east of its current location.* • *Mace Boulevard/Chiles Road: Modify the southbound channelized right-turn lane to a standard right-turn lane.* • *Chiles Road/I-80 Eastbound Off-Ramp: Modify the westbound approach to consist of a single through lane. Modify the eastbound approach to consist of two through lanes and begin the second through lane at the Hanlees Davis Toyota driveway.* • *Mace Boulevard between Second Street/County Road 32A and Chiles Road: Construct bicycle and pedestrian facility improvements on this segment of Mace Boulevard. Potential improvement options*			

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		include a Class I shared-use path, Class II bike lanes, or Class IV separated bikeways. Bicycle facility improvements should reduce the potential for conflicts involving bicyclists at intersections, crossings, and other mixing zones, including (but not limited to) appropriate pavement markings, signage, and physical separation. Pedestrian facility improvement options include modifications to pedestrian crossings of free/channelized vehicular movements to reduce the speed of turning vehicles and to reduce pedestrian exposure to conflicting vehicular traffic.			
4.14 Utilities and Service Systems					
4.14-3	Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	*Proposed Project, Biological Resources Preservation Alternative* *4.14-3 Prior to issuance of any building permits, the project applicant shall pay the City's Wastewater Capacity Charges in effect at time of issuance.*	City of Davis Public Works – Utilities and Operations Department	Prior to issuance of any building permits	
4.14-5	Increase in demand for utilities and service systems associated with the Proposed Project or BRPA, in combination with future buildout of the	*Proposed Project, Biological Resources Preservation Alternative* *4.14-5 Implement Mitigation Measure 4.14-3.*	City of Davis Public Works – Utilities and Operations Department	Prior to issuance of any building permits	

MITIGATION MONITORING AND REPORTING PROGRAM Village Farms Davis Project					
Impact Number	**Impact**	**Mitigation Measures**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
	City of Davis General Plan.				

RESOLUTION NO. 26-XXX, 2026 SERIES

RESOLUTION OF THE CITY OF DAVIS STATING ITS INTENT TO AMEND THE CITY OF DAVIS GENERAL PLAN LAND USE ELEMENT TO ELIMINATE THE GENERAL PLAN LAND USE POLICY ACTION LU.1.1 e. AND TO AMEND THE CITY OF DAVIS LAND USE MAP TO DESIGNATE THE PARCELS LOCATED NORTH OF COVELL BLVD, WEST OF POLE LINE ROAD AND EAST OF F STREET WITH CITY OF DAVIS LAND USE DESIGNATIONS

(General Plan Amendment #01-23 – Village Farms Davis)

WHEREAS, the City of Davis desires to foster a safe, sustainable, healthy and diverse community; maintain Davis as a cohesive, compact community surrounded by and containing farmland, greenbelts, natural habitats and natural resources; and preserve and create an array of distinct neighborhoods so that all residents can identify a neighborhood that is home for them; and

WHEREAS, the property located at the northwest corner of Covell Boulevard and Pole Line Road (Assessor's Parcel Numbers (APNs) 035-970-033 and a portion of 042-110-029), and are herein designated as "affected properties"; and

WHEREAS, the City of Davis General Plan establishes parameters for consideration of a General Plan Amendment to change the land use designation from agricultural to an urban land use category; and

WHEREAS, the General Plan Amendment is appropriate in that it is compatible and consistent with existing General Plan policies; and

WHEREAS, the General Plan Amendment will not adversely impact the health, safety or general welfare of the city of Davis; and

WHEREAS, the Planning Commission held a public hearing on December 17, 2025, to receive comments and consider the proposed amendment; and

WHEREAS, the City Council held a public hearing on January 20, 2026, to receive comments and consider the proposed amendment; and

WHEREAS, Environmental Impact Report SCH #2023110006, January 2025, adequately assesses the impacts of this General Plan Amendment.

WHEREAS, Measure J/R/D, also known as the "Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands or Chapter 41 of the Davis Municipal Code," affords residents an opportunity to participate in decisions affecting compact growth, agricultural preservation and provision of an adequate supply of housing to meet the internal needs of the community; and

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

SECTION 1. Land Use Element Text Changes.
Land Use Action LU 1.1.e. of the City of Davis General Plan Land Use Element is hereby rescinded.

> ~~"LU 1.1 e. Create and maintain an effective growth management system designed to keep the population of the City below 64,000 and the number of single-family dwellings below 15,500 in 2010…"~~

SECTION 2. Land Use Diagram.
The City of Davis General Plan Land Use Plan is hereby amended with the change of the affected properties from a designation of "Agriculture" to those land uses as shown on the attached map, Exhibit A, to this resolution.

SECTION 3. Baseline Project Features.
The Baseline Project Features for the applications, as established by Chapter 41 of the City of Davis Municipal Code, are included as Exhibit B to this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Davis does hereby amend the General Plan Land Use Diagram as shown on Exhibit A, and the Baseline Project Features as shown on Exhibit B of this resolution.

PASSED AND ADOPTED by the City Council of the City of Davis on this 20th day of January, 2026, by the following vote:

AYES:

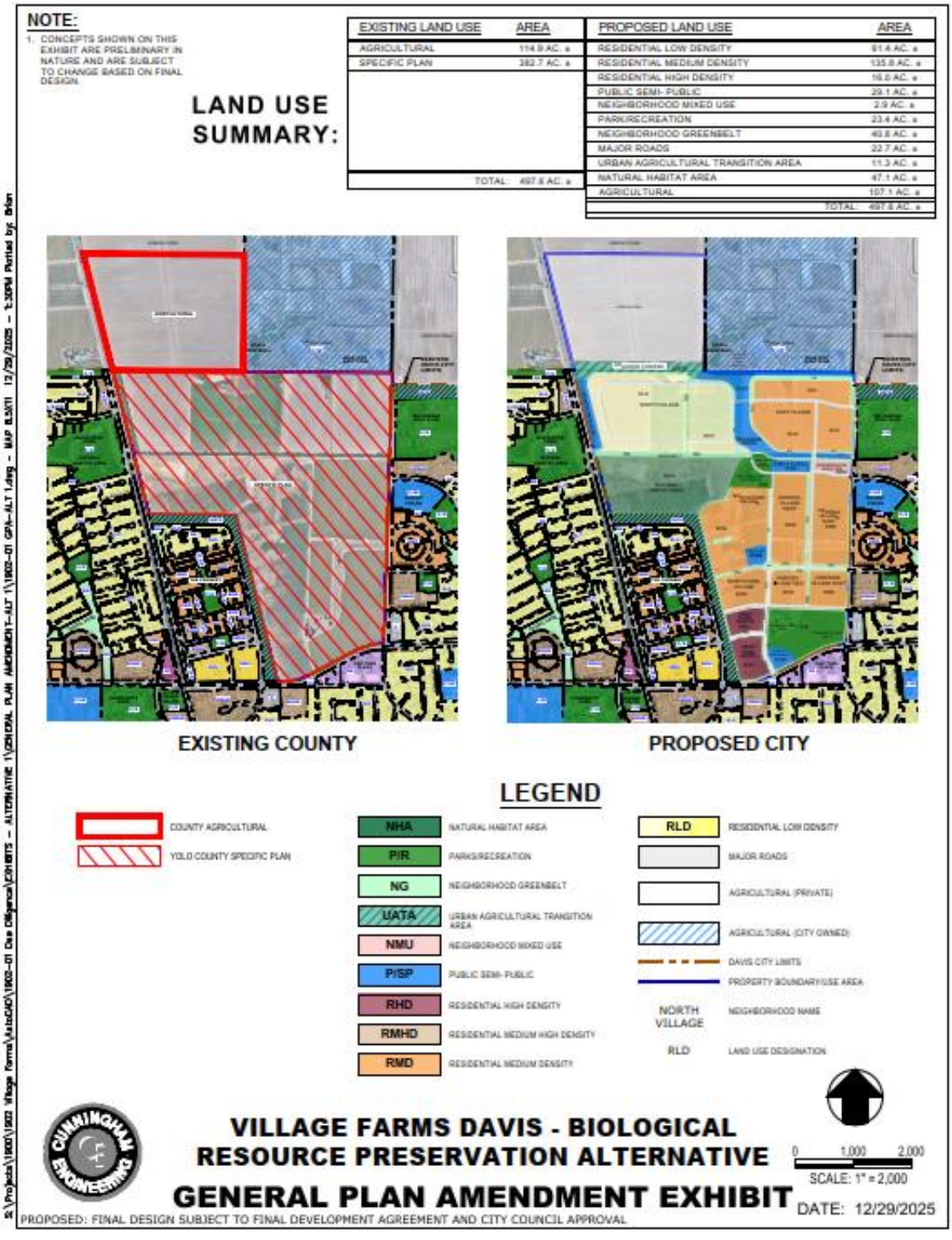
NOES:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

EXHIBIT A
Land Use Map
Village Farms Davis - PD #01-23



Note: The lotting design and street locations shown are conceptual only.

EXHIBIT B
Baseline Project Features
Village Farms Davis – PD#01-23

1. PROJECT GOALS

The Project will create a diverse residential neighborhood with housing options for residents across a broad range of income levels. The Project allows people to live where they work and learn, serving the Davis workforce, families with children, and first-time homebuyers, while **incorporating sustainable design principles and extensive publicly accessible green spaces.** The project will help Davis meet a significant portion of its State-mandated requirement for development of new housing. It will also help stabilize Davis Joint Unified School District, which is facing potential school closures due to a local enrollment gap that currently compels over 1,000 students to commute in from surrounding communities—a shortage projected to worsen significantly over the next decade.

2. KEY PROJECT COMMITMENTS

The Project must be developed in a manner consistent with these Baseline Project Features.

3. RESIDENTIAL LAND USES

The residential portion of the land will be zoned for a maximum of 1,800 residential units and will include Residential High-Density, Residential Medium-Density, and Residential Low-Density zoning designations.

4. AFFORDABLE HOUSING

Village Farms Davis will provide land and capital toward the construction of up to 360 Deed-Restricted Affordable Housing units, approximately 20% of total residential units. This provision exceeds the City requirement.

The Developer will donate a minimum of $6 million in phases toward the construction of affordable units.

The project shall guarantee that construction of at least 100 Deed-Restricted Affordable Housing units is commenced prior to or concurrent with the delivery of the 150th market-rate unit in the Residential-Low-Density district, as set forth in the Development Agreement.

5. NON-RESIDENTIAL LAND USES

The Non-Residential land use program for the Project includes:

- A land dedication to DJUSD intended for Pre-K facilities
- A land dedication to DJUSD intended for an educational farm
- A land dedication to the City of Davis for public facilities
- A community park
- A neighborhood park
- Greenbelts, trails and bike paths
- Land dedications for landing sites for the grade-separated bike and pedestrian crossings across F Street and Pole Line Road.
- Publicly accessible open space
- Land for habitat conservation
- Land designated for agricultural uses, which provides a large buffer to the north and completes a natural urban boundary generally aligned with the current neighborhoods to the east and west of the site. Any land use designation changes on this agricultural land would be subject to the Davis Municipal Code, including, as applicable, Chapter 41, known as Measure J/R/D.

6. ANNEXATION OF AGRICULTURAL LAND

The Project includes the annexation of approximately 498 acres of land located in unincorporated Yolo County, which will require a General Plan Amendment

that will change the land use designations of these acres from unincorporated Yolo County Agriculture to the land uses described in the sections below. Because these acres would be designated with agriculture and habitat preservation land use types, the annexation of these areas does not constitute a change of use under Chapter 41 of the Davis Municipal Code.

7. ENVIRONMENTAL SUSTAINABILITY

- All residential units will be all-electric and will not include natural gas service
- All single family homes shall have solar photovoltaic systems
- The project will integrate stormwater quality and low-impact development features to provide treatment and management of stormwater runoff from urban development areas in accordance with current City of Davis requirements
- The project will include comprehensive stormwater detention and storage facilities to mitigate increased runoff from the project development area, with no projected peak increase to existing aggregate downstream stormwater flows
- The Project will plant up to 4,000 new trees within the Project and seek to preserve the majority of existing healthy mature trees on site.

8. ROADWAY IMPROVEMENTS

The Project will construct all Project-related roadway improvements as required by the 2025 Village Farms Davis Local Transportation Analysis and the 2024 Village Farms Davis Transportation Impact Study (TIS). The phasing of these roadway improvements will be determined through Subsequent Project Approvals. Roadway improvements will conform to the City of Davis 2025 Street Standards requirements, as amended from time to time and as adopted at the time of processing the applicable tentative subdivision map.

Key improvements include:

- The construction of traffic and safety improvements along Pole Line Road and Covell Boulevard
- Intersection improvements at project entry locations on Moore Road, Donner Road, Picasso Road, and L Street
- Improvements to Birch Lane Elementary Safe Routes to Schools with safety enhancements for students biking to and from school.
- Village Farms Davis will also contribute fair-share funding toward a series of off-site traffic improvements per the terms of the Development Agreement, including improvements to Road 102, Covell Boulevard, and traffic light synchronization along Covell Boulevard.

9. BIKE AND PEDESTRIAN MOBILITY

The Project will construct all the bike and pedestrian improvements as required by the TIS. These active transportation enhancements will create a network that integrates with existing Davis infrastructure.

The Project will also implement greenbelt, open space, and recreation connectivity features in accordance with the City's General Plan, 1998 Davis Greenways Plan, and the 2014 Beyond Platinum Bicycle Action Plan, including:

- Construction of a bicycle and pedestrian grade-separated crossing of F Street and the UPRR railroad near Anderson Road at F Street. An overpass in this location is consistent with current railroad policies and guidelines and will proceed subject to the railroad's approval.
- Construction of a bicycle and pedestrian grade-separated crossing of Pole Line Road near Moore Boulevard
- Bike and pedestrian lanes and paths traversing the development to connect the two crossings from F Street to Pole Line Road. This

enables bike/ped circulation directly from Northstar to Wildhorse and completes the Davis Bike Loop.

10. TRANSIT

The Project shall prepare and implement a Transportation Demand Management Plan (TDM Plan) to promote a shift away from single-occupancy vehicle use and incentivize a mode shift to bicycling, public transit, private transit, or carpooling. In addition:

- The Project will include infrastructure to accommodate Unitrans and Yolo Bus to ensure convenient access to public transit
- The Project will include publicly accessible car-share spaces
- The Project will provide publicly accessible EV charging stations supporting Davis's climate action goals

11. AGRICULTURAL LAND, OPEN SPACE, AND HABITAT

- The Developer will provide two (2) acres of agricultural conservation easements for every one acre converted from agriculture to urban uses.
- The roughly 47-acre area between the Cannery and existing Channel A will remain undeveloped. This area will generally retain its existing natural state, preserving habitat for special-status species.
- The Project will include a parcel designated for agricultural uses in the northwest portion of the site, north of the developed residential uses.
- The Project will include a publicly accessible approximately 200'-wide Urban Agriculture Transition Area to the north of the residential urban limit.
- The project will preserve and enhance designated open space areas by incorporating native plantings, implementing water-efficient landscaping, and maintaining natural habitat features to support local biodiversity and ensure environmental sustainability in compliance with the City of Davis' open space requirements.

12. PARKS AND RECREATION

The Project will provide at least twenty-three (23) acres of parks and recreation facilities that enhance community wellness and outdoor enjoyment, including:

- A community park designed to connect the surrounding neighborhoods, maintain public views, and preserve the existing cluster of Heritage Oak Trees.
- A neighborhood park centrally located within the community.

The Project will also provide up to approximately forty (40) acres of greenbelts throughout the project with an interconnected network of multi-use trails.

The community park, neighborhood park, and greenbelts will be constructed to serve the Project's new residential population in increments consistent with the City's level of service standards.

13. EDUCATIONAL FACILITIES

The Developer shall offer to dedicate fee title to the Davis Joint Unified School District (DJUSD), without specific use restrictions, the following:

- Approximately 2.4 acres of unimproved land for the conceptual purpose of a new Pre-K Early Learning Center; and
- Approximately 2.8 acres of unimproved land for the conceptual purpose of an educational farm providing an outdoor working classroom for teaching environmental and agricultural values and methods.

While the City is not a party to these agreements, the City can withhold Subsequent Project Approvals if, upon request, the Developer cannot provide evidence that demonstrates reasonable and good faith efforts to transfer the land to DJUSD.

14. FINANCING

The Developer will establish, in partnership with the City, funding mechanisms for the maintenance of parks and open space. Financing may come through a combination of sources which may include, but are not limited to, a Landscape and Lighting District (LLD), Community Facilities District (CFD), owners' association, and/or other mutually agreed-upon funding mechanisms.

15. COMPLIANCE WITH THE BASELINE PROJECT FEATURES

Beyond the Baseline Project Features there are other additional requirements for the Project, including but not limited to, the mitigation measures set forth in the Village Farms EIR, and the Development Agreement that, while important to the Project, are not Baseline Project Features and may be modified with the approval of the City after the appropriate public process. The Development Agreement specifies the extent to which the Developer receives credits or reimbursements for land, public facilities, road improvements and other Developer obligations in accordance with these Baseline Project Features.

In addition, minor refinements to the Project can be anticipated during the Subsequent Project Approvals needed for its development. Such changes, often the result of detailed engineering, geotechnical or other technical factors, or changing conditions, circumstances or other new information, may be changed without voter approval if they are substantially consistent with the Baseline Project Features and they do not materially alter the character of the project (see Resolution 06-40, Establishing Criteria to Determine What Constitutes a Significant Project Modification or Change Requiring a Subsequent Measure J/R/D Vote).

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING SECTION 40.01.090 OF CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE BY PREZONING APPROXIMATELY 497± ACRES (ASSESSOR'S PARCEL NUMBERS (APNs) 035-970-033 AND A PORTION OF 042-110-029) LOCATED NORTHWEST OF THE INTERSECTION OF COVELL BOULEVARD AND POLE LINE ROAD, TO PLANNED DEVELOPMENT (PD) #1-23 UPON ANNEXATION TO THE CITY OF DAVIS AS OUTLINED IN SECTION 40.01.110 OF CHAPTER 40 OF THE DAVIS MUNICIPAL CODE

(Village Farms Davis PD #01-23)

THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PROPERTY AREA.

The Property, consists of 2 parcels, generally located northeast of the intersection of Covell Boulevard and Pole Line Road, totaling approximately 497± acres generally described and referenced to as APN Assessor's Parcel Numbers (APNs) 035-970-033 and a portion of 042-110-029 which are shown on Exhibit A and described in Exhibit B.

SECTION 2. ZONING MAP CHANGE.

Section 40.01.090 (Zoning Map) of Chapter 40 of the City of Davis Municipal Code, as amended, is hereby amended by changing the land use designations of the 2 parcels containing approximately 497± acres, to Planned Development #1-23 (PD #1-23), as shown on Exhibit C.

SECTION 3. PURPOSE OF PRELIMINARY PLANNED DEVELOPMENT AREA.

The purpose of this preliminary planned development is to:

A. Create a community-focused neighborhood that provides an inclusive array of homes for families at all stages of life and at a variety of income levels, including deed-restricted affordable housing.
B. Provide bicycle/pedestrian/transit connections to integrate the neighborhood as a truly multi-modal project.
C. Provide parks for neighborhood-focused and community-wide recreation.
D. Provide a land dedication for community facilities such as a fire station or other city needs.
E. Create a sustainable and climate-ready neighborhood.

SECTION 4. USES.

The planned development area is comprised of seven distinct Sub Areas. Six districts in the Planned Development substantially correspond with a district in the Davis Zoning Ordinance (Davis Municipal Code, Chapter 40), and one contains permitted uses enumerated in the Davis Right to Farm and Farmland Preservation Ordinance (Davis Municipal Code, Chapter 40A). The permitted, accessory, conditional, and prohibited uses of each district shall be consistent with the identified comparable Zoning District, as amended from time to time, except as provided herein. Specified uses for each Sub Area within PD #1-23, as depicted on Exhibit C, are provided in Exhibit D.

SECTION 5. FINAL PLANNED DEVELOPMENT (FPD)

A Final Planned Development (FPD) approval shall be required prior to the development of the site. The FPD shall be consistent with the provisions of PD #1-23.

The development standards and design guidelines for development within PD #1-23, including setbacks, height limits, and sign regulations, shall be contained in the Final Planned Development (FPD). The Final Planned Development shall include typical development standards for each Sub Area. Final determination of Sub Area boundaries and acreages shall be established by the Planning Commission through the Final Planned Development.

SECTION 6. CONFLICTS

For provisions not covered by this ordinance, the provisions of Chapter 40 of the Davis Municipal Code, as amended, shall apply. Where there is a conflict between the provisions of Chapter 40 and this ordinance, the provisions of this ordinance shall apply.

SECTION 7. ENVIRONMENTAL IMPACT REPORT MITIGATION MEASURES.

This amendment to the Zoning Chapter of the Municipal Code to the Planned Development District shall be subject to the mitigation measures in the Village Farms Davis Environmental Impact Report (EIR).

SECTION 8. SPECIAL CONDITIONS

This preliminary planned development is subject to the following development obligations:

1. Compliance with the Baseline Project Features established in Resolution No. __-___ approved by the Davis City Council on January ___, 2026.
2. Approval of this Prezoning and Preliminary Planned Development is contingent upon voter approval of the General Plan Amendment #1-23 pursuant to Chapter 41 of the Davis Municipal Code, the "Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance."

SECTION 9. FINDINGS.

A) The City Council of the City of Davis hereby finds that the criteria for the approval of the preliminary planned development have been fulfilled:
    1. The planned development is in conformity with the General Plan.
    2. The Village Farms Davis Project Planned Development is in conformity with the intent of the Planned Development District of the Zoning Chapter (Article 40.22).
    3. The Village Farms Davis Project Planned Development is consistent with the Zoning Ordinance, as the purpose of the Planned Development District is to allow for diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning. The proposed Planned Development is intended to provide an integrated and sustainable neighborhood.
    4. The property is suitable for the proposed development.

B) The City Council further finds that the public necessity and convenience and general welfare requires the adoption of pre-zoning set forth in Section 1.

C) The City Council further finds that it has reviewed and considered the Village Farms Davis Final Environmental Impact Report (FEIR) and has determined that the document adequately addresses the environmental effects of the zoning/preliminary planned development.

SECTION 10. CONTINGENCIES AND EFFECTIVE DATE.
The ordinance shall become effective only upon approval of General Plan Amendment #1-23 and ratification by the voters pursuant to Chapter 41 of the Davis Municipal Code, the "Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance."

INTRODUCED on the 20th day of January, 2026, and PASSED AND ADOPTED by the City Council of the City of Davis on this __ day of _____, 2026, by the following vote:

AYES:

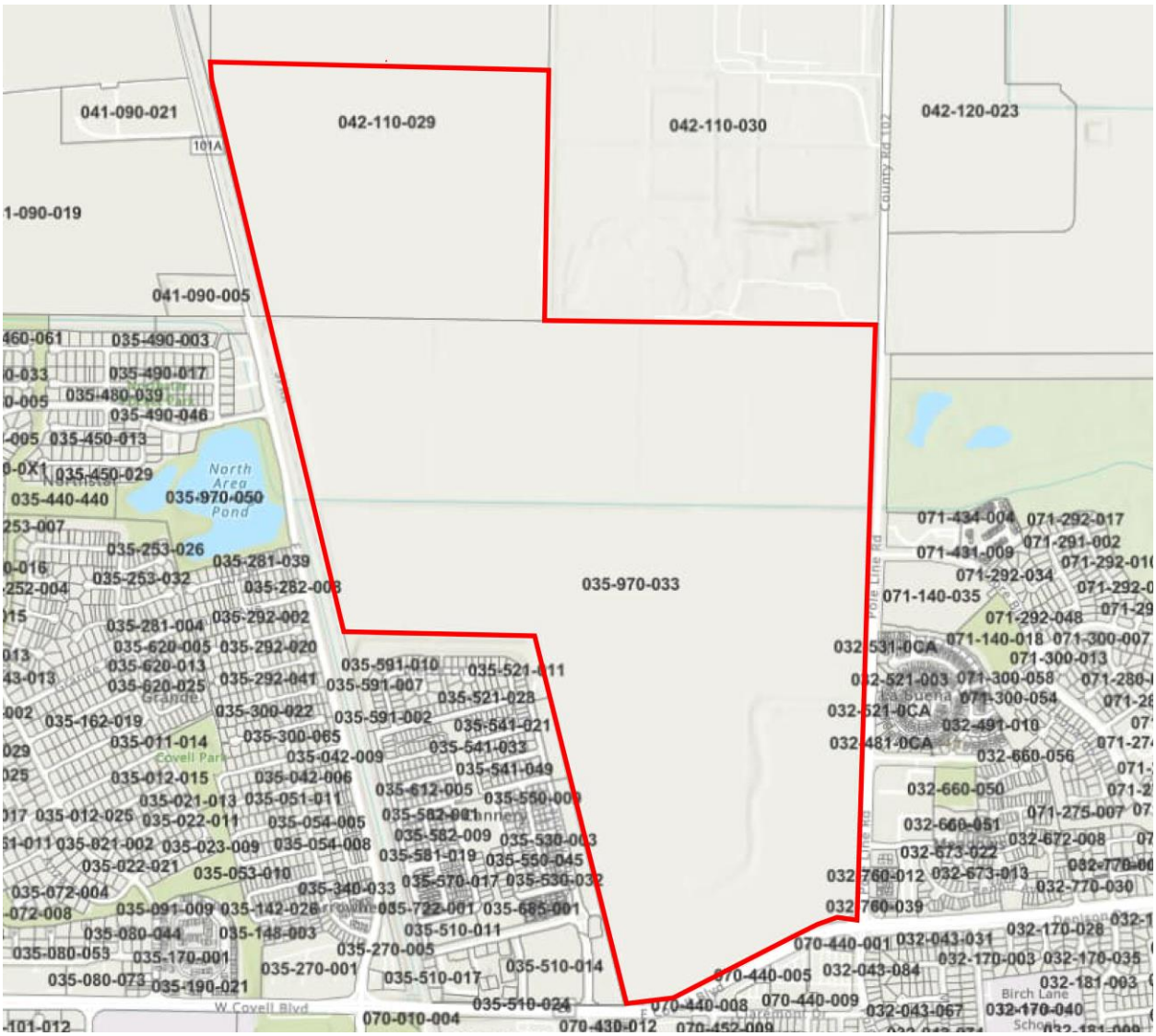
NOES:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

EXHIBIT A
Village Farms Davis - Properties to be Prezoned
PD #01-23



Parcels with Assessor Parcel Numbers to be Zoned
035-970-033
042-110-029 (Portion)

EXHIBIT B
Prezoning and Preliminary Planned Development for
Village Farms Davis Legal Description
PD #01-23

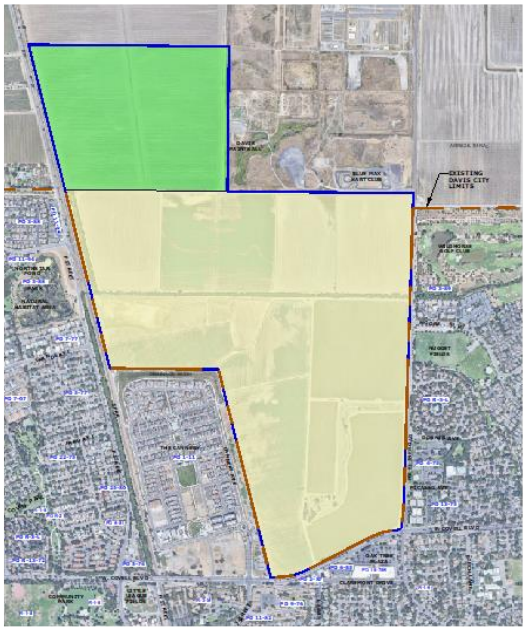
Parcel One (APN 035-970-033-000):
Parcel 1 as shown on the record of survey filed February 24, 1965 in Book 9 of Maps and Surveys, Page 99, Yolo County Records.
Excepting therefrom any portion thereof that may lie within the boundaries of that certain parcel of land described in deeds to the County of Yolo, a political subdivision, recorded September 25, 1964 in Book 773 of Official Records, Pages 318 and 321, Yolo County Records.
Also excepting therefrom an undivided 1/2 interest in and to all oil, gas, petroleum, naphtha, other hydrocarbon substances and minerals of any kind and nature, located 500 feet from the surface thereof, without the right of surface entry through the surface 500 feet, as reserved by Vinal E. Benson, et al., by deed recorded October 3, 1977 in Book 1270 of Official Records, Page 167, Yolo County Records.
Also excepting therefrom an undivided 1/2 of all oil, gas, and mineral rights, together with right of surface entry, as conveyed to Pyramid Oil and Mineral Co., an Arizona partnership, recorded October 5, 1981 in Book 1493 of Official Records, Page 736, Yolo County Records.
By deed recorded May 9, 1990 in Book 2120 of Official Records, Page 246, the surface rights conveyed by the last above referred to deed were released to a depth of 500 feet.

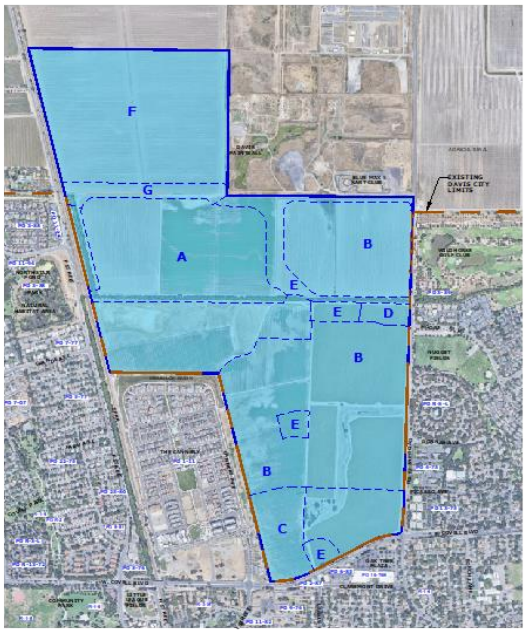
Parcel Two (APN 042-110-029-000):
All of the land situated in the State of California and the County of Yolo, being a portion of the Northwest quarter of Section 34, Township 9 North, Range 2 East, M.D.B.& M. Also being a portion of Parcels 3, 4 and 5, of that Certificate of Compliance recorded July 25, 2013 as Instrument No. 2013-0024977, Official Records of Yolo County, being more particularly described as follows:
COMMENCING for reference at the North quarter corner of said Section 34, thence proceeding South 00°41'15" West, 2,391.28 feet along the Easterly line of said Northwest quarter of Section 34 to the TRUE POINT OF BEGINNING; thence along the Easterly line of said Northwest quarter of Section 34 the South 00°41'15” West, 263.08 feet, thence along the Easterly line of Southwest quarter of Section 34 the South 00°44'35” West, 2,655.58 feet to the South quarter corner of said Section 34, thence proceeding North 89°20'50" West, 2,190.16 feet along the Southerly line of said Southwest quarter of Section 34 to the Easterly boundary of the Southern Pacific Railroad property; thence proceeding North 14°02’15” West, 1,757.61 feet along said Easterly property line to the Westerly line of Southwest quarter of Section 34, thence along said Westerly line of the Southwest quarter of Section 34, North 00°40’00” East, 954.21, thence along the Westerly line of Northwest quarter of Section 34, North 00°40’00“ East, 261.86 feet, thence South 89°24’00" East, 2,639.93 feet to the TRUE POINT OF BEGINNING.
Further described as Parcel 4 on that certain Certificate of Compliance for Covell Village Co. recorded March 28, 2014, Instrument No. 2014-0006533, Official Records.

EXHIBIT C
Prezoning and Preliminary Planned Development for Village Farms Davis and related Property Zoning Map
PD #01-23

NOTES:

1. SITE AERIAL IMAGERY TAKEN IN APRIL 2022 AND WAS ACQUIRED NOVEMBER 6, 2023 FROM GOOGLE EARTH PRO. COPYRIGHT GOOGLE, 2023.
2. CONCEPTS SHOWN ON THIS EXHIBIT ARE PRELIMINARY IN NATURE AND ARE SUBJECT TO CHANGE BASED ON FINAL DESIGN.





EXISTING ZONING DESIGNATION

- SPECIFIC PLAN (SP)
- AGRICULTURAL

PROPOSED PREZONING DESIGNATION

- VILLAGE FARMS DAVIS - BIOLOGICAL RESOURCE PRESERVATION ALTERNATIVE PLANNED DEVELOPMENT (PD)

A	RESIDENTIAL ONE-FAMILY DISTRICT
B	RESIDENTIAL ONE- AND TWO-FAMILY DISTRICT
C	RESIDENTIAL HIGH DENSITY APARTMENT
D	COMMERCIAL NEIGHBORHOOD COMBINING DISTRICT
E	PUBLIC-SEMI-PUBLIC
F	AGRICULTURAL
G	URBAN AGRICULTURAL TRANSITION AREA

PREZONING SUMMARY

EXISTING PREZONING	AREA	PROPOSED PREZONING	AREA
NEW PLANNED DEVELOPMENT	0.0 AC. ±	NEW PLANNED DEVELOPMENT	497.6 AC. ±
SPECIFIC PLAN	382.7 AC. ±	SPECIFIC PLAN	0.0 AC. ±
AGRICULTURAL	114.9 AC. ±	AGRICULTURAL	0.0 AC. ±

CUNNINGHAM ENGINEERING

VILLAGE FARMS DAVIS - BIOLOGICAL RESOURCE PRESERVATION ALTERNATIVE
PREZONE MAP

0 1,000 2,000
SCALE: 1" = 2,000

DATE: 10/31/2025

PROPOSED: FINAL DESIGN SUBJECT TO FINAL DEVELOPMENT AGREEMENT AND CITY COUNCIL APPROVAL

EXHIBIT D
Preliminary Planned Development for Village Farms Davis
PD #01-23

PURPOSE OF PRELIMINARY PLANNED DEVELOPMENT AREA.
The purpose of this preliminary planned development is to:

A. Create a community-focused neighborhood that provides an inclusive array of homes for families at all stages of life and at a variety of income levels, including deed-restricted affordable housing.
B. Provide bicycle/pedestrian/transit connections to integrate the neighborhood as a truly multi-modal project.
C. Provide parks for neighborhood-focused and community-wide recreation.
D. Provide a land dedication for community facilities for public or semi-public uses.
E. Create a sustainable and climate-ready neighborhood.

USES
The planned development area is comprised of seven distinct Sub Areas. Six districts in the Planned Development substantially correspond with a district in the Davis Zoning Ordinance (Davis Municipal Code, Chapter 40), and one contains permitted uses enumerated in the Davis Right to Farm and Farmland Preservation Ordinance (Davis Municipal Code, Chapter 40A). The permitted, accessory, conditional, and prohibited uses of each district shall be consistent with the identified comparable Zoning District, as amended from time to time, except as provided herein. Specified uses for each Sub Area within PD #1-23, as depicted on Exhibit C, are provided herein.

District A – Residential One-Family District

1. Permitted Uses.
   a. Permitted uses in the R-1 District (Municipal Code Section 40.03.020), as amended from time to time, except as prohibited within section 5 below.
   b. Single-family uses may include attached or detached units.

2. Accessory Uses.
   a. Accessory uses in the R-1 District (Municipal Code Section 40.03.030), as amended from time to time.

3. Conditional Uses.
   a. Conditional uses in the R-1 District (Municipal Code Section 40.03.040), as amended from time to time, except as prohibited within section 5 below.

4. Conditional uses permitted with an administrative use permit (AUP).
   a. Non-ministerial accessory dwelling units. Accessory dwelling units that are not permitted pursuant to Section 40.26.450 (Ministerial accessory dwelling units and junior accessory dwelling units), as amended from time to time, shall be permitted subject to the granting of an administrative use permit and shall be known as non-ministerial accessory dwelling units. Non-

ministerial accessory dwelling units shall comply with all of the requirements of Section 40.26.460 as amended from time to time.

b. Guest houses. Guest houses are conditionally allowable accessory structures, subject to the granting of an administrative use permit (AUP). Guest houses shall comply with all of the requirements of Section 40.26.470.

5. Prohibited Uses.
   a. Agriculture, including the raising of animals or fowl for commercial purposes or the sale of retail products.
   b. Hospitals, churches or other religious or eleemosynary institutions.

District B – Residential One- and Two-Family

1. Permitted Uses.
   a. Permitted uses in the R-2 District (Municipal Code Section 40.04.020), as amended from time to time.
   b. Single-family uses may include attached or detached units.

2. Accessory Uses.
   a. Accessory uses in the R-2 District (Municipal Code Section 40.04.030), as amended from time to time.

3. Conditional Uses.
   a. Conditional uses in the R-2 District (Municipal Code Section 40.04.040), as amended from time to time.

4. Conditional uses permitted with an administrative use permit (AUP).
   a. Non-ministerial accessory dwelling unit. Accessory dwelling units that are not permitted pursuant to Section 40.26.450 (Ministerial accessory dwelling units and junior accessory dwelling units), as amended from time to time, shall be permitted subject to the granting of an administrative use permit and shall be known as non-ministerial accessory dwelling units. Non-ministerial accessory dwelling units shall comply with all of the requirements of Section 40.26.460.
   b. Guest houses. Guest houses are conditionally allowable accessory structures, subject to the granting of an administrative use permit (AUP). Guest houses shall comply with all of the requirements of Section 40.26.470, as amended from time to time.

5. Prohibited Uses.
   a. Agriculture, including the raising of animals or fowl for commercial purposes or the sale of retail products.
   b. Public and semipublic buildings and uses of a recreational, educational, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.
   c. Hospitals, churches or other religious or eleemosynary institutions.

District C – Residential High Density Apartment

1. Permitted Uses.
   a. Permitted uses in the R-HD District (Municipal Code Section 40.09.020), as amended from time to time.

2. Accessory Uses.
   a. Accessory uses in the R-HD District (Municipal Code Section 40.09.030), as amended from time to time.

3. Conditional Uses.
   a. Conditional uses in the R-HD District (Municipal Code Section 40.09.040), as amended from time to time.

4. Prohibited Uses.
   a. Agriculture, including the raising of animals or fowl for commercial purposes or the sale of retail products.
   b. Public and semipublic buildings and uses of a recreational, educational, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.
   c. Hospitals, churches or other religious or eleemosynary institutions.

District D – Commercial Neighborhood Combining District

1. Permitted Uses.
   a. Permitted uses in the Commercial Neighborhood (C-N) Combining District (Municipal Code Section 40.12.020), as amended from time to time.

2. Accessory Uses.
   a. Accessory uses in the C-N District (Municipal Code Section 40.12.030), as amended from time to time.

3. Conditional Uses.
   a. Conditional uses in the C-N District (Municipal Code Section 40.12.040), as amended from time to time.

4. Conditional uses permitted with an administrative use permit (AUP).
   a. Mobile vending uses including temporary, periodic, or mobile service, retail and food vending (including food trucks and food carts) and the operation of a farmers' market or neighborhood market shall be permitted within designated areas and shall be subject to an AUP (or similar administrative permit) pursuant to either the Final Planned Development for the project or to a City-wide Mobile Vending Ordinance, as amended from time to time.

5. Prohibited Uses.
   a. Auto service station.

District E – Public-Semi-Public

1. Permitted Uses.
   a. Permitted uses in the Public-Semipublic (P-SP) District (Municipal Code Section 40.20A.020), as amended from time to time.

2. Accessory Uses.
   a. Accessory uses in the P-SP District (Municipal Code Section 40.20A.030), as amended from time to time.

3. Conditional Uses.
   a. Conditional uses in the P-SP District (Municipal Code Section 40.20A.040), as amended from time to time.

District F – Agricultural

1. Permitted Uses.
   a. Permitted uses in the Agricultural (A) District (Municipal Code Section 40.02.020), as amended from time to time, except as prohibited within section 5 below.

2. Accessory Uses.
   a. Accessory uses in the A District (Municipal Code Section 40.20.030), as amended from time to time, except as prohibited within section 5 below.

4. Conditional Uses.
   a. Conditional uses in the A District (Municipal Code Section 40.20.040), as amended from time to time, except as prohibited within section 5 below.

5. Prohibited Uses.
   a. Public parks and recreation areas.
   b. Private garages, parking areas and stables.
   c. Private noncommercial recreation areas, uses and facilities including country clubs and golf courses, and swimming pools.
   d. Poultry farms and hog farms, dairies, veterinary offices and animal hospitals.
   e. Animal feed and sales yards.
   f. Agricultural processing plants, fertilizer plants and yards, agricultural products storage plants and yards, forest products, manufacturing and processing plants, manufacture and storage of agricultural chemicals.
   g. Drive-in theaters, golf driving ranges and other similar commercial recreation facilities, including such facilities in which the principal use is enclosed in a building, such as bowling alleys.
   h. Cemeteries, crematories, mausoleums, columbariums.
   i. Commercial mines, quarries and gravel pits.
   j. Private airports and landing strips.
   k. Public and semipublic, including public utility buildings, or structures and uses of an administrative, educational, religious, cultural or public service type.

District G – Urban Agricultural Transition Area

1. Permitted Uses.
   a. Permitted uses in the Agricultural Buffer (Municipal Code Section 40A.01.050), as amended from time to time.

GENERAL REQUIREMENTS

1. The development standards for height, lot area, setbacks, parking design, open space, lot coverage and floor area ratio shall be specified as part of the Final Planned Development and shall be in substantial conformation with the Preliminary Planned Development.

2. For provisions not covered by this ordinance, or within the development standards included in the Final Planned Development, the relevant provisions of Chapters 40.02 (A), 40.03 (R-1), 40.04 (R-2), 40.09 (R-HD), 40.12 (C-N), 40.20A (P-SP) and 40A.01 (UATA) of the Davis Municipal Code as amended shall apply. Where there is a conflict between the provisions of said chapters and this ordinance, the provisions of this ordinance shall apply.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS APPROVING THE DEVELOPMENT AGREEMENT FOR THE VILLAGE FARMS PROJECT

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 *et seq.* (the "Development Agreement Statute") which authorizes cities to enter into agreements for the development of real property withany person having a legal or equitable interest in such property in order to establish certain development rights in such property;

WHEREAS, in accordance with the Development Agreement Statute, the City of Davis (the "City") has enacted regulations (the "Development Agreement Regulations") to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute;

WHEREAS, North Davis Land Company, LLC**,** the Developer of the site ("Developer"), desires to carry out the development of the Village Farms Project ("Project" or "Village Farms") on the approximately 497-acre property located at the northwest corner of Covell Boulevard and Pole Line Road (APNs 035-970-033 and a portion of 042-110-029) as described in the Development Agreement (the "Property") consistent with the General Plan, as amended by the General Plan Amendment with Baseline Project Features pursuant to Resolution No. ____ (the "General Plan Amendment"), the Development Agreement attached hereto as Exhibit A (the "Development Agreement"), and the vested entitlements referenced therein;

WHEREAS, the City Council of Davis adopted project entitlements for Village Farms, including the General Plan Amendment and a Prezoning and Preliminary Planned Development (collectively, and together with the Development Agreement, the "Project Approvals");

WHEREAS, the City Council certified the Environmental Impact Report ("EIR") (SCH. # 2023110006) and the Mitigation Monitoring and Reporting Program adopted therewith on _____, 2026;

WHEREAS, the Development Agreement will assure both the City and the Developer that the Project can proceed without disruption caused by a change in City planning and development policies and requirements, which assurance will thereby reduce the actual or perceived risk of planning, financing and proceeding with construction of the Project and promote the achievementof the private and public objectives of the Project;

WHEREAS, the Planning Commission held a duly noticed public hearing on December 17, 2025, on the Project Approvals, including the Development Agreement, during which public hearing the Planning Commission received comments from the Developer, City staff, and members of the general public and made a recommendation to the City Council on the Project Approvals; and

WHEREAS, the City Council held a duly noticed public hearing on _____, 2026, on the Project Approvals, including the Development Agreement, during which public hearing the City Council received comments from the Developer, City staff, and members of the general public.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.

This Ordinance incorporates, and by this reference makes a part hereof, the DevelopmentAgreement attached hereto as Exhibit A, subject to the provisions of Section 5 hereof.

SECTION 2.

This Ordinance is adopted under the authority of Government Code Section 65864 et

seq., and pursuant to “Development Agreement Regulations”.

SECTION 3.

In accordance with the Development Agreement Regulations, the City Council hereby finds and determines, as follows:

A. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, as amended by the General Plan Amendment and is compatible with the uses authorized therein, and the regulations prescribed for, the General Plan designations which will apply to the Property;

B. The Development Agreement is in conformity with public convenience, general welfare and good land use practice;

C. The Development Agreement will not be detrimental to the public health, safety and general welfare;

D. The Development Agreement will not adversely affect the orderly development of the Property or the preservation of property values; and

E. The Development Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5.

SECTION 4.

The foregoing findings and determinations are based upon the following:

A. The Recitals set forth in this Ordinance, which are deemed true and correct;

B. Resolution No. ___-___ adopted by the City Council on _____ certifying the EIR and the Mitigation Monitoring and Reporting Program, which Resolution and exhibits

are incorporated herein by reference as if set forth in full;

C. The City's General Plan, as amended by the General Plan Amendment adopted by the City Council by Resolution No. ___-___ prior to adoption of this Ordinance;

D. The Prezoning and Preliminary Planned Development adopted by the City Council by Ordinance No ___-___ prior to adoption of this Ordinance;

E. All City staff reports (and all other public reports and documents) prepared for the Planning Commission and City Council, relating to the Development Agreement and other actions and entitlements relating to the Property, including the Project Approvals, including all attachments thereto;

F. All documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the Development Agreement, and other actions relating to the Property, including the Project Approvals; and

G. All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City's fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

SECTION 5.

The City Council hereby approves the Development Agreement, attached hereto as Exhibit A, subject to the provisions of Section 6 hereof, and subject further to such minor, conforming and clarifying changes consistent with the terms thereof, as may be approved by the City Manager, in consultation with the City Attorney prior to execution thereof, including completion of referencesand status of planning approvals, and completion and conformity of all exhibits thereto, as approved by the City Council.

SECTION 6.

The approval contained in Section 5 hereof is subject to and conditioned upon Resolution No. 26-___, adopted by the City Council approving the General Plan Amendment, becoming effective, including approval of the General Plan Amendment by the voters, as required by Chapter 41 of the Municipal Code, the "Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance."

SECTION 7.

Upon the effective date of this Ordinance, the Mayor and City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City of Davis.

SECTION 8.

The City Manager is hereby authorized and directed to perform all acts authorized to be performed by the City Manager in the administration of the Development Agreement pursuant to the terms of the Development Agreement.

SECTION 9.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 10.

This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption; provided, however, that if the General Plan Amendment is approved at a later date, then the effective date of this Ordinance shall be the date on which the General Plan Amendment becomes effective.

INTRODUCED on the 20th day of January, 2026, and PASSED AND ADOPTED at a regular meeting of the City Council of the City of Davis this __ day of _____, 2026 by the following vote:

AYES:

NOES:

Mayor

ATTEST:

Zoe S. Mirabile,

CMCCity Clerk

AGREEMENT BY AND BETWEEN

THE CITY OF DAVIS AND NORTH DAVIS LAND COMPANY, LLC

Relating to the Development of the Property Commonly Known as the

Village Farms Project ("Village Farms")

THIS DEVELOPMENT AGREEMENT ("Development Agreement") is entered into this ___ day of _____ 2026, by and between the CITY OF DAVIS, a municipal corporation (herein the "City"), and North Davis Land Company, LLC, a California limited liability company (the "Developer"). This Agreement is made pursuant to the authority of Section 65864 *et seq*. of the Government Code of the State of California. This agreement refers to the City and the Developer collectively as the "Parties" and singularly as the "Party."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et seq.* of the *Government Code* which authorizes any city, county or city and county to enter into a development agreement with an applicant for a development project, establishing certain development rights in the property which is the subject of the development project application.

B. Developer owns a legal or equitable interest in certain real property described in Exhibit A attached hereto and incorporated herein by this reference consisting of approximately 497.65 acres of land located in unincorporated Yolo County (herein the "Property"), which Property the Developer seeks to annex into the City of Davis and develop as the "Village Farms Project" (the "Project"). The Project, as proposed, would be a mixed use project including, among other things, market rate and affordable housing; greenbelts parks and open spaces; neighborhood commercial; municipal facilities including roadways, detention basins, a land dedication for public or semi-public uses; and an Urban Agricultural Transition Area. The Project also includes an area

that the Developer will use to borrow soil from for the development area and will subsequently restore to agriculture uses.

C. This Agreement is voluntarily entered into by the Developer in order to implement the General Plan, as amended by the General Plan Amendment, and in consideration of the rights conferred and the procedures specified herein for the development of the Property. This Agreement is voluntarily entered into by the City in the exercise of its legislative discretion in order to implement the General Plan, as amended by the General Plan Amendment, and in consideration of the agreements and undertakings of the Developer hereunder.

D. City has granted or will grant to the Developer the following land use entitlement approvals for theProject (hereinafter "Project Approvals") which are incorporated and made a part of this Agreement:

(1) General Plan Amendment that changed the land use designation of the Property from unincorporated Yolo County Agriculture to City of Davis Agriculture, Natural Habitat Area, Parks/Recreation, Neighborhood Greenbelt, Urban Agricultural Transition Area, Neighborhood Mixed Use, Public/Semi-Public, Residential-High Density, Residential-Medium Density, Residential-Low Density, _ #____ (the "General Plan Amendment")

(2) Prezoning and Preliminary Planned Development #____ (the "Zoning Approvals")

(3) Subsequent Project Approvals approved pursuant to Section 202

City has also determined the Project to have complied with the California Environmental Quality Act ("CEQA") as it has certified the Project's Environmental Impact Report (SCH. # _____), approved by Resolution No. __-____, and adopted the required Mitigation Monitoring and Reporting Program

E. This Agreement will eliminate uncertainty in planning for and secure orderly development of the Project, provide the certainty necessary for the Developer to make significant investments in public infrastructure and other improvements, assure the timely and progressive installation of necessary improvements and public services, establish the orderly and measured

build-out of the Project consistent with the desires of the City to support the production of additional housing within the City, and provide significant public benefits to the City that the City would not be entitled to receive without this Agreement.

F. In exchange for the benefits to the City, the Developer desires to receive the assurance that it may proceed with the Project in accordance with the Project Approvals and the rules, regulations and official policies of City as further described in this Agreement, and to secure the benefits afforded to the Developer by *Government Code* §65864.

AGREEMENT

IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES, THE CITY AND THE DEVELOPER HEREBY AGREE AS FOLLOWS:

ARTICLE 1. General Provisions.

A. [Sec. 100] Definitions.

"Affiliate" means any entity that directly or indirectly, controls, is controlled by, or is under common control with the Developer. "Affiliate" shall also include any entity which is a direct or indirect subsidiary of Developer.

"Agreement" or "Development Agreement" means this Development Agreement between City and Developer pursuant to Government Code Sections 65864 through 65869.5, which was approved by City Council by ordinance, as it may be amended from time to time.

"Assignment and Assumption Agreement" shall have the meaning set forth in Section 4.

"Backbone Infrastructure" shall mean the roads, sewer mains, and water mains serving the Project, as reflected in the Exhibits hereto and as shall be more fully refined at the time of Subsequent Project Approvals.

"CEQA" means the California Environmental Quality Act, California Environmental Quality Act, California Public Resources Code Section 21000, et seq., and its implementing Guidelines set forth in Title 14, Chapter 3 of the California Code of Regulations.

"City" means the City of Davis.

"City Council" means the City Council of the City of Davis.

"City Manager" means the City Manager of the City of Davis.

"Developer" refers to North Davis Land Company, LLC, and its successors and assigns.

"Developer Obligation" refers to an obligation undertaken by Developer in consideration for the benefits of this Agreement and at Developer's sole cost. Such Developer Obligations shall not be eligible for reimbursement or Fee Credits.

"Development Impact Fee" means a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in Government Code Section 66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 of the Government Code),).

"Village Farms EIR" means the Environmental Impact Report (referred to in Recital E above) prepared for the Specific Plan area in accordance with CEQA, State Clearinghouse # 2023110006, certified by the City Council on _____, prior to the City Council's approval of this Development Agreement.

"Effective Date" shall have the meaning set forth in Section 201 of this Agreement.

"Fee Credits" shall apply when the Developer constructs eligible infrastructure or public facilities serving more than the Project in excess of Developer's fair share contribution. Fee Credits shall be provided to Developer in the form of a reduction of the applicable Development Impact Fee payments that would otherwise be charged as provided in this Agreement and Subsequent Project Approvals.

"Fee Reimbursement Agreement" shall be an agreement entered into pursuant to Government Code Section 66485, et seq., or another valid legal authority for the purposes of providing reimbursement for oversized improvements. .

"Final Map" means a subdivision map approved by the City Council in accordance with Article 36.05 of the Davis Municipal Code and California Government Code 66433 et seq.

"Non-Affiliate" means a third party which is not an Affiliate of the Developer.

"Party" means City or the Developer, and "Parties" refers collectively to City and the Developer.

"Project" means the development and use of the Property in accordance with this Agreement and the Project Approvals.

"Project Approvals" shall mean those entitlements set forth in Recital D herein.

"Property" shall have the meaning set forth in Section 101 of this Agreement.

"Specific Development Obligations" shall have the meaning set forth in Section 201 of this Agreement.

"Subsequent Project Approvals" shall mean any and all discretionary permits and entitlements for the Project that may hereafter be issued by City in accordance with the terms and provisions of this Agreement. Subsequent Project Approvals include, but are not limited to, tentative maps, parcel maps, conditional use permits, and development review approvals. For purposes of this Agreement, the term "Subsequent Project Approvals" does not include actions by governmental or regulatory agencies other than the City.

"Tentative Map" shall have the meaning ascribed to it in Article 36.04 of the Davis Municipal Code.

"Term" shall have the meaning set forth in Section 102 of this Agreement.

B. [Sec. 101] Property Description. The Property is that property described in Exhibit A, which consists of a map showing its location and boundaries and a legal description. The Developer represents that it has a legal or equitable interest in the Property .

C. [Sec. 102] Effective Date, Term, Termination, and Operative Date.

(1) Effective Date and Execution. The effective date of this Agreement shall be the date the Ordinance adopting this Agreement is effective ("Effective Date"). In order to effectuate this Agreement, the Developer shall present a fully executed Agreement to the City within 15 days of the Effective Date, and the Agreement shall be fully executed by the City and recorded within 30 days of the Effective Date, except that the Developer and City Manager may agree to extend this execution timeline. Failure to execute this Agreement within the timeframe described here shall result in the Agreement becoming null and void.

(2) Term. The term of this Agreement (the "Term") shall commence upon the Effective Date and shall extend for a period of five (5) years thereafter regardless of whether the General Plan Amendment associated with the Project receives voter approval. On the date that the County Registrar of Voters has certified the results of the election in which the General Plan Amendment was approved by the voters, the Term shall automatically be extended for an additional 20 years (for

a total of 25 years from the Effective Date), unless said Term is terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the Parties, subject to the provisions of Section 106 hereof. Following the expiration of said Term, this Agreement shall be deemed terminated and of no further force and effect, subject, however, to the provisions of Section 407 hereof.

(3) Effect of Termination. If this Agreement is terminated by the City Council prior to the end of the Term, the City shall cause a written notice of termination to be recorded with the County Recorder within ten (10) days of final action by the City Council. This Agreement shall be deemed terminated and of no further effect upon entry, after all appeals have been exhausted, of a final judgment or issuance of a final order directing the City to set aside, withdraw or abrogate the City Council's approval of this Agreement or any material part of the Project Approvals.

(4) Operative Date. The parties acknowledge and agree that the Property is located in unincorporated Yolo County. Accordingly, pursuant to Section 65865(b), this Agreement shall be operative with respect to any portion of the Property upon the annexation of such portion to the City's municipal boundaries. If any portion of the Property has not been annexed to the City's municipal boundaries within 10 years of the Effective Date, this Agreement shall become null and void with respect to that portion of the Property.

D. [Sec. 103] Equitable Servitudes and Covenants Running with the Land. Any successors in interest to the City and the Developer shall be subject to the provisions set forth in *Government Code* §§ 65865.4 and 65868.5. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do, or refrain from doing, some act with regard to the development of the Property: (1) is for the benefit of and is a burden upon the Property; (2) runs with the Property and each portion thereof; and (3) is binding upon each Party and each successor in interest during ownership of the Property or any portion thereof; provided however, nothing herein shall waive or limit the provisions of Section 104, and no successor owner of the Property, any portion of it, or any interest in it shall have any rights except those assigned to the successor by the Developer in writing pursuant to Section 104. In any event, no owner or tenant of a completed residential unit within Project shall have any rights

under this Agreement and this Agreement may be amended without the agreement or consent of such homeowner or tenant.

E. [Sec. 104] Right to Assign; Non-Severable Obligations.

(1) Right of Assignment to Affiliates. The Developer shall have the right to sell, encumber, convey, assign or otherwise transfer (collectively "assign"), in whole or in part, its respective rights, interests and obligations under this Agreement to an Affiliate of the Developer as defined in Section 100 without the prior express written consent of the City. An assignment to an Affiliate shall not be effective until (i) Affiliate acquires the affected interest of the Developer under this Agreement and (ii) the Developer delivers to City a copy of the Assignment and Assumption Agreement pursuant to Section 104(4) herein, by which Affiliate assumes the applicable rights, duties and obligations of the Developer under this Agreement.

(2) Right to Request Assignment to Non-Affiliates. The Developer shall have the right to assign, in whole or in part, its rights, interests and obligations under this Agreement to a Non-Affiliate during the Term of this Agreement only with the written approval of the City. Approval shall not be unreasonably withheld, conditioned, or delayed. An assignment that occurs after the approval of the first Final Map associated with the Project, assigning development rights to a homebuilder assignee, may be approved by signature of the City Manager but the City Manager may, in his or her sole discretion, bring any Assignment action to the City Council.

(a) City's Review of Request of Assignment to Non-Affiliates. City's review of a proposed assignment to a Non-Affiliate shall be based upon its consideration of the following factors:

(i) The assignee (or the guarantor(s) of the assignee's performance) has the demonstrated ability, to obtain reasonable financing mechanisms, including debt and/or equity, to meet the obligations proposed to be assigned and to undertake and complete the obligations of this Agreement affected by the assignment; and

(ii) The assignee has adequate experience with development of comparable scope and complexity as the portion of the Project that is the subject of the assignment.

(b) Reasonable Assurances and Financial Information from Non-Affiliate. Any request for City approval of an assignment to a Non-Affiliate shall be in writing and accompanied by a copy of the Assignment and Assumption Agreement required by Section 104(4), below. The City may request the Developer provide commercially reasonable assurances of the proposed assignee's ability to perform the obligations to be assumed, which assurances may include certified financial statements or other information reasonably requested by the City; provided that, any such request for additional information shall be made, if at all, not more than fifteen (15) business days after the City's receipt of the request for approval of the proposed assignment. Any financial information submitted to the City pursuant to this subsection shall constitute confidential trade secret information if the information is maintained as a trade secret by the assignee and if such information is not available through other publicly available sources. The assignee shall mark any material claimed as trade secret at the time it is submitted to the City. If the City receives a public records request for any information marked a "trade secret," the City shall notify the assignee of such request prior to releasing the material in question to the requesting party. If the assignee directs the City not to release the material in question, the assignee shall indemnify the City for any costs incurred by City, including but not limited to staff time and attorney's fees, as a result of any action brought by the requesting party to obtain release of the information and/or to defendany lawsuit brought to obtain such information. Notwithstanding the foregoing, the City shall retain the absolute discretion to release or not release any material in response to a public records request.

(c) Time for City Action on Request for Assignment to Non-Affiliate. The City shall act on a request for a proposed assignment to a Non-Affiliate by approving or disapproving such request within 60 business days of receipt of such request. Failure of City to respond within 60 days of receipt of such request shall be deemed approval of such assignment. For avoidance of doubt, if an assignment is deemed approved, the City's approval of the form of the Assignment and Assumption Agreement shall not be required.

(d) Written Findings for Disapproval of Assignment to Non-Affiliate. If the City wishes to disapprove any proposed assignment to a Non-Affiliate, the City shall set forth in writing and in reasonable detail the grounds for such disapproval. The City may disapprove a request for assignment or ask for revisions to the Assignment and Assumption Agreement if reasonably necessary to ensure the performance of the obligations described in thisAgreement.

(3) Effect of Assignment. An assignee shall become a Party to this Agreement only with respect to the interest transferred to it pursuant to the assignment, and only to the extent set forth in the Assumption Agreement delivered to the City pursuant to Section 104(1) or approved by the City pursuant to Section 104(2), above. Upon an assignment, the Developer shall be released only from those obligations and liabilities under this Agreement that are specifically assumed by the assignee through an Assignment and Assumption Agreement with respect to the portion of the Property transferred and, in the case of assignment to a Non-Affiliate, specifically approved by City or deemed approved by the passage of time. Any obligations and liabilities of the Developer under this Agreement, including but not limited to the Specific Development Obligations set forth in Section 201 of this Agreement,that are not expressly assumed by an assignee in an Assignment and Assumption Agreement shall remain the responsibility of the Developer following assignment.

(4) Assignment and Assumption Agreement. In order for an assignment to be effective under this Agreement, the Developer must provide to City, as specified in Sections 104(1) and 104(2) above, an executed and acknowledged agreement in a form approved by the City Attorney ("Assignment and Assumption Agreement"). The Assignment and Assumption Agreement shall include provisions regarding (a) the interest or portions of interest in one or more parcels associated with the Project proposed to be assigned by the Developer (b) the obligations of the Developer under this Agreement that the assignee will assume, and (c) the proposed assignee's acknowledgement that such assignee has reviewed and agrees to be bound by all applicable provisions of this Agreement and all applicable City entitlements and approvals. The Assignment and Assumption Agreement shall also include the name, form of entity and address ofthe proposed assignee. After being approved by the City, if required, the Assignment and Assumption Agreement shall be recorded in the Official Records of the County of Yolo concurrently with the transfer of the affected interest of the Developer under this Agreement, and a copy thereof shall be

delivered to the City within three (3) days after recordation of the Assignment and Assumption Agreement.

(5) Mortgagees. Notwithstanding Section 104(2) above, mortgages, deeds of trust, sales and lease- backs or any other form of conveyance required for any reasonable method of financing are permitted without the City's consent, but only for the purpose of securing loans of funds to be used for financing the acquisition of the Property, the development and construction of improvements on the Property or off-site improvements, or any other necessary or related expenses. The holder of any mortgage, deed of trust or other security arrangement with respect to the Property ("Mortgagee"), or any portion thereof, shall not be considered an assignee of the Developer under this Agreement unless said Mortgagee (i) acquires the affected interest of the Developer encumbered by Mortgagee's mortgage, deed of trust or other security arrangement, and (ii) delivers to City an Assignment and Assumption Agreement assuming, from and after the date such Mortgagee acquires its interest, the applicable rights, duties and obligations of the Developer under this Agreement.

(6) Reorganization of Business Structure. Nothing in this Section shall be deemed to constitute or require City consent to an assignment that consists solely of a reorganization of the Developer's business structure, such as (i) any sale, pledge, assignment or other transfer of all or a portion of the Property to an entity directly controlled by the Developer or its Affiliates and (ii) any change in the Developer's form or structure, such as a transfer from a corporation to a limited liability company or partnership, that does not change the beneficial ownership of the Property; provided, however, in such event, the Developer shall provide to City written notice, together with such backup materials or information reasonably requested by City, within thirty (30) days following the date of such reorganization or City's request for backup information, as applicable.

F. [Sec. 105] Notices. Formal written notices, demands, correspondence and communications between the City and the Developer shall be sufficiently given if dispatched by certified mail, postage prepaid, to the principal offices of the City and the Developer, as set forth in Article 8 hereof. Such written notices, demands, correspondence and communications may be directed in the same manner to such other persons and addresses as either Party may from time to time designate. The Developer shall give written notice to the City, at least thirty (30) days prior

to the close of escrow, of any sale or transfer of any portion of the Property and any assignment of this Agreement, specifying the name or names of the transferee, the transferee's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given, and any other information reasonably necessary for the City to consider approval of an assignment under Section 104 or any other action City is required to take under this Agreement.

G. [Sec. 106] Amendment of Agreement. This Agreement may be amended from time to time by mutual consent of the Parties, in accordance with the provisions of *Government Code* Sections 65867 and 65868.

(1) Major Amendments. Any amendment to this Development Agreement which substantially affects or relates to (a) the Term of this Development Agreement; (b) permitted uses of the Property; (c) provisions for the reservation or dedication of land; (d) conditions, terms, restrictions or requirements for subsequent discretionary actions; (e) the density or intensity of use of the Property or the maximum height or maximum gross square footage; (f) affordable housing or infrastructure commitments made by Developer; or (g) monetary contributions by Developer, shall be deemed a "Major Amendment" and shall require giving of notice and a public hearing before the Planning Commission and City Council. Any amendment which is not a Major Amendment shall be deemed a Minor Amendment subject to Section 106(2) below. The City Manager or his or her designee shall have the authority to determine if an amendment is a Major Amendment subject to this Section 106(1) or a Minor Amendment subject to Section 106(2) below.

(2) Minor Amendments. The Parties acknowledge that refinement and further implementation of the Project may demonstrate that certain minor changes may be appropriate with respect to the details and performance of the Parties under this Agreement. The Parties desire to retain a certain degree of flexibility with respect to the details of the Project and with respect to those items covered in the general terms of this Agreement. If and when the Parties find that clarifications, minor changes, or minor adjustments are necessary or appropriate and do not constitute a Major Amendment under Section 106(1), they shall effectuate such clarifications, minor changes or minor adjustments through a written Minor Amendment approved in writing by the Developer and the City Manager. At the discretion of the City Manager, amendments to the

performance schedule or timelines in this Agreement that do not impact the Term of the Agreement or the delivery of Backbone Infrastructure may be handled as Minor Amendments. Unless otherwise required by law, no such Minor Amendment shall require prior notice or hearing, nor shall it constitute an amendment to this Agreement; provided however, the City Manager, may, in his or her sole discretion, submit a Minor Amendment to City Council for review and approval.

(3) Amendments to Project Approvals. Amendments to Project Approvals shall not require an amendment to this Agreement except to the extent necessary to assure consistency between such amended Project Approval and the language of this Agreement.

ARTICLE 2. Development of the Property.

A. [Sec. 200] Vested Development Rights.

(1) Vesting Dates. Except as expressly provided in this Agreement, the Developer and the City intend that the Project shall be vested in City laws and standards as follows:

(a) The General Plan Amendment and the Zoning Approvals associated with the Project shall vest upon the effective date of the General Plan Amendment (with an affirmative vote of the electorate pursuant to Chapter 41 of the Davis Municipal Code, the Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance) ("General Plan and Zoning Vesting Date"); and

(b) The "rules, regulations, and official policies" (as such terms are used in Section 65866 of the California Government Code) including, without limitation, those set forth in the City's General Plan and the Davis Municipal Code, governing the design, improvement, and construction standards and specifications, applicable to the development of any and all portions of the Property, shall vest effective on the date when the application for the first tentative map or vesting tentative map for the Project is deemed complete under Government Code Section 65943 (Default Vesting Date).

(2) Application of Non-Conflicting Subsequent Requirements. Except as provided in Section 200(3) and Section 206, to the extent any rules, regulations, ordinances, regulations or official policies (as such terms are used in Section 65866 of the California Government Code)

adopted by the City subsequent to the General Plan and Zoning Vesting Date or the Default Vesting Date purport to be applicable to the Property but are inconsistent with the Project Approvals or the terms and conditions of this Agreement, the Project Approvals and the terms and conditions of this Agreement shall prevail. To the extent that any rules, ordinances, regulations or policies adopted by the City (as such terms are used in Section 65866 of the California Government Code) subsequent to the General Plan and Zoning Vesting Date or the Default Vesting Date are applicable to the Property and do not conflict with the Project Approvals or the terms and conditions of this Agreement, such subsequent rules, ordinances, regulations or polices shall be applicable to the Property.

(3) Vesting Exceptions and Qualifications.

(a) State and Federal Law. In the event state or federal laws or regulations enacted after the General Plan and Zoning Vesting Date or the Default Vesting Date prevent or preclude compliance with one or more provisions of this Agreement, this Agreement shall be modified by the parties to the extent necessary to comply with such state or federal laws or regulations or the regulations. To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including the City, to the extent such agencies' actions are required by federal or state agencies) have the effect of preventing, delaying or modifying the Project or development of the Property, neither the Developer nor the City shall in any manner be liable for any such prevention, delay or modification of the Project or development of the Property.

(b). Public Health and Safety. Uniform, city-wide City codes, growth limitation ordinance, other ordinances, resolutions, rules, policies and regulations which are adopted after the General Plan and Zoning Vesting Date or the Default Vesting Date to protect the public health or safety of City residents may be applied uniformly, equitably, and proportionately to Developer and the Project provided any such action by City complies with the terms and provisions of Section 65858 of the California Government Code.

(c). Uniform Codes Applicable. The provisions of the Uniform California Building Standards Code, as adopted and incorporated by the city, any applicable reach code, and city standard construction specifications, shall be applied in the manner provided in the Davis Municipal Code without regard to the General Plan and Zoning Vesting Date or the Default Vesting Date.

(4) Other Vesting Statutes. The Parties intend that the provisions of this Agreement shall govern and control as to the procedures and the terms and conditions applicable to the development of the Property over any contrary or inconsistent provisions contained in Section 66498.1 *et seq*. of the *Government Code* or any other state law now or hereafter enacted purporting to grant or vest development rights based on land use entitlements (herein "Other Vesting Statute"). As used herein, the term "Other Vesting Statute" shall not be deemed to include the terms or provisions of the California Housing Accountability Act, or the Housing Crisis Act of 2019, as those statutes may be amended from time to time. In furtherance of this intent, and as a material inducement to the City to enter into this Agreement, and subject to the provisions of Section 302 below, Developer agrees that:

(a) Notwithstanding any provisions to the contrary in any Other Vesting Statute, this Agreement and the conditions and requirements of land use entitlements for the Property obtained while this Agreement is in effect shall govern and control the Developer's rights to develop the Property; and

(b) The Developer waives, for itself and its successors and assigns, the benefitsof any Other Vesting Statute insofar as they may be inconsistent or in conflict with the terms and conditions of this Agreement and land use entitlements for the Property obtained while this Agreement is in effect.

(c) The Developer will not make application for a land use entitlement under any Other Vesting Statute insofar as said application or the granting of the land use entitlement pursuant to said application would be inconsistent or in conflict with the terms and conditions of this Agreement and prior land use entitlements obtained while this Agreement is in effect.

(5) Exercise of Discretion by City. This section shall not be construed to limit the authority or obligation of the City to hold necessary public hearings or to limit discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use which require the exercise ofdiscretion by the City or any of its officers or officials, provided that subsequent discretionary actions are (a) based upon substantial evidence in the record (with

respect to quasi-adjudicatory actions), (b) not arbitrary or capricious, and (c) consistent with the Project Approvals, this Agreement and Applicable Law.

B. [Sec. 201] Specific Development Obligations. In addition to the conditions of approval contained in the Project Approvals, the Developer and the City have agreed that the development of the Property by the Developer is subject to the Specific Development Obligations described in Exhibits E through O, attached hereto and incorporated herein by reference. The Specific Development Obligations, together with the other terms and conditions of this Agreement, are the consideration for the City entering into this Agreement. Whenever the phrase "Developer commits," "Developer has committed," "Developer agrees," or equivalent is used in Exhibits E through O, it shall be interpreted to indicate a binding obligation with the same legal meaning as "Developer shall."

C. [Sec. 202] Subsequent Project Approvals.

(1) Good Faith Processing. Subject to Section 200 and the Specific Development Obligations set forth in Section 201, the City agrees that it will accept, in good faith, for processing, review and action, all complete applications for Subsequent Project Approvals and all complete applications for non-discretionary approvals, including but not limited to zoning,special permits, development permits, subdivision maps, grading permits, building permits or other permits or entitlements for the construction, development and use of the Property in accordance with the Zoning Approvals, the General Plan, as amended by the General Plan Amendment and this Agreement. The City shall inform the Developer, upon request, of the necessary submission requirements for each application for a Subsequent Project Approval in advance, and shall review said application and schedule the application for review by the appropriate authority, all in accordance with applicable provisions of California law, including but not limited to Section 65921, *et seq*, of the Government Code.

(2) Nature and Vesting of Subsequent Project Approvals. By approving the Project Approvals, City has made a final policy decision that the Project is in the best interests of the public health, safety and general welfare. Accordingly, City shall not use its authority in considering any application for a Subsequent Project Approval or non-discretionary permit or approval to change the policy decisions reflected by the Project Approvals or otherwise to prevent

or delay development of the Project as set forth in the Project Approvals. Instead, the Subsequent Project Approvals shall be deemed to be tools to implement those final policy decisions. Any Subsequent Project Approvals and any non-discretionary permits or approvals shall become part of the Project Approvals and thereby vested under this Agreement after all appeal periods have expired or, if an appeal is filed, if the appeal is decided in favor of the approval. Subsequent Project Approvals shall be deemed to include, without limitation, those set forth in Exhibit D, attached hereto and incorporated herein.

D. [Sec. 203] Development Timing. The Developer shall be obligated to comply with the terms and conditions of the Project Approvals and this Development Agreement at those times specified in this Development Agreement. The parties acknowledge that the Developer cannot at this time predict with certainty when or the rate at which the Property would be developed. Such decisions depend upon numerous factors which are not all within the control of the Developer, such as market conditions and demand, interest rates, competition and other factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development controlling the parties' agreement, it is the intent of City and the Developer to hereby acknowledge and provide for the right of the Developer to develop the Project in such order and at such rate and times as the Developer deems appropriate within the exercise of its sole and subjective business judgment, subject to the terms, requirements and conditions of the Project Approvals and this Development Agreement. City acknowledges that such a right is consistent with the intent, purpose and understanding of the parties to this Development Agreement, and that without such a right, the Developer's development of the Project would be subject to the uncertainties sought to be avoided by the Development Agreement Statute, (*Government Code* § 65864 *et seq.*), City Council Resolution 1986-77 and this Development Agreement. The Developer will use commercially reasonable efforts, in accordance with its business judgment and taking into consideration market conditions and other economic factors influencing the Developer's business decisions, to commence or to continue development, and to develop the Project in a regular, progressive and timely manner in accordance with the provisions and conditions of this Development Agreement and Exhibit M. Nothing in this Agreement shall require Developer to construct the Project or to pay Development Impact Fees for any portion of the Project that Developer does not construct.

E. [Sec. 204] Property Acquisition for Off-site Infrastructure. Subject to the provisions of Section 203 above, Developer shall, in a timely manner as determined by City and consistent with the requirements of the Project and any associated conditions of approval, acquire the property rights necessary to construct or otherwise provide the public improvements contemplated by this Agreement and the Project Approvals. In any instance where Developer is required to construct any public improvement, including but not limited to road improvements, bike lanes, or water or sewer infrastructure, to which neither Developer nor City has sufficient title or interest, including an easement or license determined necessary by the City, Developer shall at its sole cost and expense provide or cause to be provided, the real property interests necessary for the construction of such public improvements. In the event Developer is unable, after exercising all reasonable efforts as determined by the City, to acquire the real property interests necessary for the construction of such improvements by the time any final map is filed, and upon the Developer's provision of adequate security for costs the City may reasonably incur, City may in its discretion negotiate the purchase of the necessary real property interests to allow Developer to construct the public improvements as required by this Agreement and, may, if necessary, and subject to the procedures and limitations established by law, use its power of eminent domain to acquire such required real property interests. For the purposes of this Section, "reasonable efforts" shall include proof that the Developer made a written offer to purchase the property interest at fair market value. In the event that the City acquires property pursuant to this section, the Developer and the City shall enter into a reimbursement agreement that shall provide for an initial deposit and the Developer shall pay all costs associated with such acquisition or condemnation proceedings including but not limited to attorneys' fees, expert witness fees, and jury awards of any kind. Upon acquisition of the necessary interest in land, or upon obtaining a right of entry, either by agreement or court order, the Developer shall commence and complete the public improvements. This requirement shall be included, and, if necessary, detailed, in any subdivision improvement agreement entered into between the Developer and the City.

F. [Sec. 205]. Fee Credits and/or Fee Reimbursement Agreements for Dedication of Property or Construction of Infrastructure for "Oversizing". Except as otherwise provided in this Agreement, to the extent the Developer dedicates, funds or constructs public facilities that exceed the size or capacity required to serve the Project, the City shall provide reimbursement or credit to

the Developer in an amount equal to the cost incurred by the Developer in providing such proportional benefit (together with statutory interest). The Developer shall be provided with such reimbursement or credit either (1) through a Fee Reimbursement Agreement with the City and agreements with the developers of, or conditions of approval imposed by the City on, properties benefiting from the oversizing is developed requiring the benefiting property to reimburse the Developer its pro rata share of the costs of the oversizing, which reimbursement shall occur prior to the commencement of development on the benefiting property (which conditions or agreements shall specify the Developer as an intended third-party beneficiary); or (2) as credits against impact fees that the Developer would otherwise be required to pay for the type of infrastructure (e.g., sewers, roads) or payments from impact fees paid by other properties developed anywhere in the City for the type of infrastructure. If the mitigation fees paid by other persons orentities, or the credit available from the impact fees to be paid by the Developer in the particular category of infrastructure, are insufficient to repay the Developer in full for the cost of oversizing,the Developer shall have no recourse against the City with respect to the shortfall except to the extent City receives additional applicable mitigation fees or payments thereafter, in which case such received funds shall be reimbursed to the Developer promptly to the extent of the shortfall. Similarly, if the benefiting property fails to reimburse the Developer for oversizing despite the City imposing such obligation on such benefiting property for the benefit of the Developer, the Developer shall have no recourse against the City; however, the Developer will retain all its rights against the benefiting property and its owners, if any. In no case shall the City reimburse the Developer from general funds of the City. Whenever in this Agreement or in future Fee Reimbursement Agreements, the City is making reimbursements to the Developer, the reimbursements shall be made on a semi-annual basis.

H. [Sec. 206]. Fees, Taxes, Assessments, Exactions, Dedications and Public Improvements.

(1). In General. City agrees that Developer shall be obligated to pay only those fees (including Development Impact Fees), taxes (other than ad valorem taxes), assessments, and other exactions, and make those dedications and public improvements, prescribed in this Agreement. City further agrees that (i) the provisions of California's Mitigation Fee Act, California Government Code section 66,000 *et seq.*, shall apply to any and all Development Impact Fees (or any other exactions subject to the provisions of the Mitigation Fee Act) that may be adopted,

amended or updated by City during the Term of this Agreement and shall not be excepted from the application of the Mitigation Fee Act by virtue of such fees being imposed pursuant to a Development Agreement and (ii) Developer shall at all times be fully entitled to constitutional due process and takings protections. Development Impact Fees shall be due and payable by the Developer prior to the issuance of a building permit for the building in question unless a later date is agreed upon by the Developer and City. As required by Government Code §65865(e) for development agreements adopted after January 1, 2004, the City shall comply with the requirements of Government Code § 66006 pertaining to the payment of any applicable fees it receives or cost it recovers.

(2) Development Impact Fees.

(a) Except as otherwise specifically provided in this Section 206(2), Developer shall be required to pay only those Development Impact Fees adopted and in effect on the date that is the later of (i) when the application for the first tentative map or vesting tentative map for the Project is deemed complete under Government Code Section 65943; or (ii) January 31, 2028 ("Outside Date"), subject to any escalators in effect on the applicable date. The Developer may, at its sole discretion, participate in any hearings or proceedings regarding the adjustment or adoption of any Development Impact Fee. Nothing in this Agreement shall constitute a waiver by the Developer of its right to challenge such changes in fees in accordance with California or Federal law, including the Mitigation Fee Act (Government Code 66000, et seq.); provided, however, that the Outside Date shall be automatically tolled for the length of any such challenge. Developer retains all rights to protest any new or revised Development Impact Fee as set forth in Government Code Section 66020.

(b) Notwithstanding the provisions of subsection 206(2)(a), as described in more detail in Exhibit K, City shall undertake to prepare a nexus study and specifically for the Project and other pending projects adjacent to Covell Boulevard in northeast Davis for the purposes of establishing the Project's fair share contribution to transportation improvements in this area and for calculating Fee Credits/reimbursements related to Developer's oversizing of infrastructure. Developer may submit comments and participate in any public process related to the adoption of updated transportation fees. The City shall consider in good faith any Developer comments

regarding these fees. Nothing in this Agreement shall constitute a waiver by the Developer of its right to challenge such fees in accordance with California or Federal law, including the Mitigation Fee Act (Government Code 66000, et seq.); however, the Outside Date shall be automatically tolled for the length of any such challenge. Developer retains all rights to protest any new or revised Development Impact Fee (or any other qualifying exaction) as set forth in Government Code Section 66020.

(c) Mitigation Measures. Notwithstanding the provisions of subsection 207(2)(a), where a mitigation measure included in the Village Farms EIR associated with the Project provides for different timing of payment of fees, the language of the Village Farms EIR (as it may be amended compliant with law) shall control.

(3) Processing Fees. The City may charge and the Developer shall pay processing fees for land use approvals, building permits, and other similar permits and entitlements which are in force and effect on a citywide basis at the time the application is submitted for those permits, as permitted pursuant to California *Government Code* § 54990 or its successor sections(s).

(4) Other Fees and Charges. Except as mandated by state or federal law, the City shall not impose any new categories of fees or charges that were not in effect on the General Plan and Zoning Vesting Date, or require any additional dedications or public improvements through the exercise of the police power beyond those specified in this Agreement, with the following exceptions:

(a) The City may impose reasonable additional fees, charges, dedication requirements or public improvement requirements as conditions of the City's approval of an amendment to the Project Approvals or this Agreement provided (i) such amendment was requested by the Developer and (ii) such additional fee, charge, or dedication or improvement requirement is intended to address, and is roughly proportionate to, the public cost of the change requested by the Developer; and

(b) The City may apply subsequently adopted monetary exactions to the Project if the exaction is applied uniformly to development either throughout the city or within a defined area of benefit that include includes the Property if the subsequently adopted exaction does not physically

prevent development of the Property for the uses and to the density and intensity of development set forth in this Agreement. In the event that the subsequently adopted development exaction fulfills the same purpose as an exaction (including any fee) required by this Agreement or by the Project Approvals, the Developer shall receive a credit against the subsequently adopted development exaction for fees already paid or that will be paid that fulfill the same purpose.

I. [Sec. 207] Wastewater Treatment Capacity. The Developer understands that the City is engaging in efforts to increase capacity in the wastewater treatment facility to serve (1) existing residents and businesses that are already served by the wastewater treatment facility, (2) anticipated residents and businesses through build-out of the City's existing General Plan, and (3) the Project. The City and the Developer acknowledge and agree that expanding the City's capacity for the Project and other new development, such that sewer connections shall be available at such time as they are needed as the Project builds out, is a material element of the consideration provided by the City to the Developer in exchange for the benefits provided to the City under this Agreement. The Parties recognize the availability of sufficient sewer capacity may be affected byregulatory or operational constraints that are not within the City's discretion. To the extent the availability of sewer capacity is within the City's discretion (e.g., whether to extend sewer serviceto areas *not* currently within the City's service area), the City shall not approve providing such capacity to areas currently outside the City's service area if this approval would prevent or delay the ability of the City to provide sewer connections to the Project as the Project requires such connections. This provision shall not affect the City's ability to provide sewer service within its service boundaries or within the existing City boundaries as they exist on the Effective Date of thisAgreement, and as to such connections, the Parties requesting sewer service shall be connected on a first come first served basis. The Developer shall pay the applicable capacity charge pursuant to that specified in Exhibit K of this Agreement at the time of certificate of occupancy. The Developer acknowledges that capacity charge may increase substantially over time and that the cost to comply with the City's new NPDES permit, as they may be approved from time to time during the Term of this Agreement, may be substantial.

J. [Sec. 208] Completion of Improvements. All public improvements required to be constructed by Developer under this Agreement shall be so constructed as and when described in the exhibits hereto. With respect to public improvements for which no schedule for completion

has been specific in such exhibits, the timing of completion of such improvements shall be as required by conditions of approval to the Subsequent Approval requiring the construction of such improvement.

ARTICLE 3. [Reserved].

ARTICLE 4. Default, Remedies, Termination.

A. [Sec. 400] General Provisions. Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by either Party to perform any term or provision of this Agreement shall constitute a default. In the event of default or breach of any terms or conditions of this Agreement, the Party alleging such default shall give the other Party written notice of such default, which notice shall specify the nature of the alleged default and manner in which said default may be satisfactorily cured. The party receiving such notice shall have an opportunity to cure such default within a period of sixty (60) days, or if the nature of such default is such that it cannot reasonably cured during such 60-day period, then such longer period as is appropriate provided the party alleged to be in default commences to cure the alleged default within such 60-day period and thereafter diligently prosecutes such cure to completion (the "Cure Period"). During any such Cure Period, the Party charged shall not be considered in breach of this Agreement.

If any alleged default is material in nature has not been cured during the Cure Period, then the other Party to this Agreement may, at its option:

(1) Terminate this Agreement, in which event neither Party shall have any further rights against or liability to the other with respect to this Agreement or the Property; or

(2) Institute legal or equitable action to cure, correct or remedy any default, including but not limited to an action for specific performance of the terms of this Agreement, including any terms that are monetary in nature; provided, however, that neither party shall be liable to the other for consequential damages exceeding its monetary obligations under this Agreement.

B. [Sec. 401] Developer's Default; Enforcement. In the event of an uncured default by Developer under Section 400 above, in addition to exercising its rights under Sections 400(1) and 400(2), City shall be entitled to delay the issuance of building permits to the defaulting party (but not non-defaulting parties to the Agreement) for residential structures on the Property until such default has been cured.

C. [Sec. 402] Annual Review. The City Manager shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by the Developer with the terms and conditions of this Agreement. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant to California Government Code Section 65865.1.

The City Manager shall provide thirty (30) days prior written notice of such periodic review to the Developer. Such notice shall require the Developer to demonstrate good faith compliance with the terms and conditions of this Agreement and to provide such other informationas may be reasonably requested by the City Manager and deemed by him or her to be required in order to ascertain compliance with this Agreement. Notice of such annual review shall include thestatement that any review may result in amendment or termination of this Agreement. The costs of notice and related costs incurred by the City for the annual review conducted by the City pursuant to this Section shall be borne by the Developer.

If, following such review, City Manager is not satisfied that Developer has demonstrated good faith compliance with all the terms and conditions of this Agreement, or for any other reason, the City Manager may refer the matter along with his or her recommendations to the City Council. Failure of the City to conduct an annual review shall not constitute a waiver by the City ofits rights to otherwise enforce the provisions of this Agreement nor shall the Developer have or assert any defense to such enforcement by reason of any such failure to conduct an annual review; provided, however, that nothing in shall relieve City of its obligation to provide notice and an opportunity to cure any alleged default in accordance with this Section.

D. [Sec. 403] Enforced Delay, Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either Party hereunder shall not be deemed

to be in default where delays or defaults are due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, pandemics, acts of God, governmental entities, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation, moratoria or similar bases for excused performance. If written notice of such delay is given to the City within thirty (30) days of the commencement of such delay, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

In the event litigation is initiated by any party other than Developer that challenges any of the Project Approvals or the Village Farms EIR and an injunctionor temporary restraining order is not issued, Developer may elect to have the term of this Agreement tolled, i.e., suspended, during the pendency of said litigation, upon written notice to City from Developer. The tolling shall commence upon receipt by the City of written notice fromDeveloper invoking this right to tolling. The tolling shall terminate upon the earliest date on whicheither a final order is issued upholding the challenged approvals or said litigation is dismissed withprejudice by all plaintiffs. In the event a court enjoins either the City or the Developer from taking actions with regard to the Project as a result of such litigation that would preclude any of them from enjoying the benefits bestowed by this Agreement, then the term of this Agreement shall beautomatically tolled during the period of time such injunction or restraining order is in effect

E. [Sec. 404] Limitation of Legal Actions. In no event shall the officers, agents or employees of the City be liable in damages for any breach or violation of this Agreement except as otherwise provided above, it beingexpressly understood and agreed that the Developer's sole legal remedy for a breach or violation of this Agreement by the City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

F. [Sec. 405] Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California. The Developer acknowledges and agrees that the City has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity or meaning of this Agreement shall be accorded legislative acts of the City. Should any legal action be brought by a Party for

breach of this Agreement or to enforce any provision herein, the prevailing Party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court.

G. [Sec. 406] Invalidity of Agreement.

(1) If this Agreement shall be determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment.

(2) If any provision of this Agreement shall be determined by a court to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any law which becomes effective after the date of this Agreement and either Party in good faith determines that such provision is material to its entering into this Agreement, either Party may elect to terminate this Agreement as to all obligations then remaining unperformed in accordance with the procedures set forth in Section 400, subject, however, to the provisions of Section 407 hereof. If neither Party determines the provision to be material, that provision will be stricken and the remainder of the Agreement shall endure.

H. [Sec. 407] Effect of Termination on Developer Obligations. Termination of this Agreement shall not affect the Developer's obligations to comply with the General Plan and the terms and conditions of any and all Project Approvals, nor shall it affect any other covenants of the Developer specified in this Agreement to continue after the termination of this Agreement.

ARTICLE 5. Hold Harmless Agreement.

A. [Sec. 500] Hold Harmless Agreement. The Developer hereby agrees to and shall hold the City, its elective and appointive boards, commissions, officers, agents and employees harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage, which may arise from the Developer's or the Developer's contractors, subcontractors, agents or employees operations under this Agreement, whether such operations be by the Developer, or by any of the Developer's contractors,

subcontractors, or by any one or more persons directly or indirectly employed by or acting as agent for the Developer or any of the Developer's contractors or subcontractors.

In the event any claim, action, or proceeding is instituted by a third party against the City to challenge or set aside any permit or approval issued by City in accordance with this Agreement, Developer shall defend, indemnify and hold harmless the City, and/or its officers, agents and employees. This obligation includes, but is not limited to, the payment of all costs of defense, any amounts awarded by the Court by way of damages or otherwise, including any attorney fees and court costs. City may elect to participate in such litigation at its sole discretion and at its sole expense. As an alternative to defending any such action, Developer may request that the City rescind the challenged permit or approval. The City will promptly notify Developer of any claim, action, or proceeding, and willcooperate fully in the defense thereof.

B. [Sec. 501] Prevailing Wages. Without limiting the foregoing, the Developer acknowledges the requirements of California *Labor Code* §1720, *et seq*., and 1770 *et seq*., as well as California *Codeof Regulations*, Title 8, Section 1600 *et seq*. ("Prevailing Wage Laws"), which require the paymentof prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects, as defined. If work on off-site improvements pursuant to this Agreement is being performed by the Developer as part of an applicable "public works" or "maintenance" project,as defined by the Prevailing Wage Laws, and if the total compensation under the contract in question is $1,000 or more, the Developer agrees to fully comply with such Prevailing Wage Laws for those off-site improvements to the extent applicable. The Developer understands and agrees that it is the Developer's obligation to determine if Prevailing Wages apply to work done on the Project or any portion of the Project. Upon the Developer's request,the City shall provide a copy of the then current prevailing rates of per diem wages. The Developer shall make available to interested parties upon request, copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the work subject to Prevailing Wage Laws, and shall post copies at the Developer's principal place of business and atthe Property. The Developer shall defend, indemnify and hold the City, its elected officials, officers,employees and agents free and harmless pursuant to the indemnification provisions of thisAgreement from any claim or liability arising out of any failure or alleged failure by the Developer to comply

with the Prevailing Wage Laws associated with any "public works" or "maintenance"projects associated with Project development.

ARTICLE 6. Project as a Private Undertaking.

A. [Sec. 600] Project as a Private Undertaking. It is specifically understood and agreed by and between the Parties hereto that the development of the Property is a separately undertaken private development. No partnership, joint venture or other association of any kind between the Developer and the City is formed by this Agreement. The only relationship betweenthe City and the Developer is that of a governmental entity regulating the development of private property and the owner of such private property.

ARTICLE 7. Consistency with General Plan.

A. [Sec. 700] Consistency with General Plan. The City hereby finds and determines that execution of this Agreement is in the best interest of the public health, safety and general welfare and is consistent with the General Plan, as amended by the General Plan Amendment approved as part of the Project Approvals.

ARTICLE 8. Notices.

A. [Sec. 800] Notices.

Any notice, request, demand, instruction or other communication to be given to either party hereunder shall be in writing and shall be delivered personally, transmitted by facsimile or email, sent by overnight courier, or by registered or certified mail, return receipt requested, to the parties at the addresses below. Notice shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the email address designated above, or (2) two working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated below.

Notice required to be given to the City shall be addressed as follows:

City Manager
City of Davis
23 Russell Boulevard
Davis, CA 95616
cmoweb@cityofdavis.org

With a copy to:
Richards, Watson & Gershon
2300 N Street, Suite 3
Sacramento, CA 95816
Attn: Inder Khalsa, ikhalsa@rwglaw.com

Notice required to be given to the Developer shall be addressed as follows:

Doug Buzbee
3500 Anderson Road
Davis, CA 95616
dbuzbee@dbreconsulting.com

Sandy Whitcombe
3500 Anderson Road
Davis, CA 95616
swhitcombe@tandemproperties.net

Lydia Delis – Schlosser
3500 Anderson Road
Davis, CA 95616
lydia@villagefarmsdavis.com

With a copy to:

Cox & Castle

Cox, Castle & Nicholson LLP

50 California Street | Suite 3200 | San Francisco, CA 94111

Attn: Clark Morrison, cmorrison@coxcastle.com

Attn: Christian Cebrian, ccebrian@coxcastle.com

Any Party may change the address stated herein by giving notice in writing to the other Party, and thereafter notices shall be addressed and transmitted to the new address.

ARTICLE 9. Recordation.

A. [Sec. 900] When fully executed, this Agreement will be recorded in the official records of Yolo County, California. Any amendments to this Agreement shall also be recorded in the official records of Yolo County.

ARTICLE 10. Estoppel Certificates.

A. [Sec. 1000] Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such party to certify in writing that, to the knowledge of the certifying Party, (a) this Development Agreement is in full force and effect and a binding obligation of the Parties, (b) this Development Agreement has not been amended or modified or, if so amended or modified, identifying the amendments or modifications, and (c) the requesting Party is not in default in the performance of its obligations under this Development Agreement, or if in default, to describe therein the nature and extent of any such defaults. The requesting Party may designate a reasonable form of certificate (including a lender's form) and the Party receiving a request hereunder shall execute and return such certificate or give a written, detailed response explaining why it will not do so within thirty (30) days following the receipt thereof. The City Manager shall be authorized to execute any certificate requested by Developer hereunder. Developer and City acknowledge that a certificate hereunder may be relied upon by tenants, transferees, investors, partners, bond counsel, underwriters, and other mortgages. The request shall

clearly indicate that failure of the receiving Party to respond within the thirty (30) day period will lead to a second and final request and failure to respond to the second and final request within fifteen (15) days of receipt thereof shall be deemed approval of the estoppel certificate. Failure of Developer to execute an estoppel certificate shall not be deemed a default, provided that in the event Developer does not respond within the required thirty (30) day period, City may send a second and final request to Developer and failure of Developer to respond within fifteen (15) days from receipt thereof (but only if City's request contains a clear statement that failure of Developer to respond within this fifteen (15) day period shall constitute an approval) shall be deemed approval by Developer of the estoppel certificate and may be relied upon as such by City, tenants, transferees, investors, bond counsel, underwriters and bond holders. Failure of City to execute an estoppel certificate shall not be deemed a default, provided that in the event City fails to respond within the required thirty (30) day period, Developer may send a second and final request to City, with a copy to the City Manager and City Attorney, and failure of City to respond within fifteen (15) days from receipt thereof (but only if Developer's request contains a clear statement that failure of City to respond within this fifteen (15) day period shall constitute an approval) shall be deemed approval by City of the estoppel certificate and may be relied upon as such by Developer, tenants, transferees, investors, partners, bond counsel, underwriters, bond holders and mortgagees.

ARTICLE 11. <u>Provisions Relating to Lenders</u>

A. [Sec. 1100] <u>Lender Rights and Obligations</u>.

(1) <u>Prior to Lender Possession</u>. No Lender shall have any obligation or duty under this Agreement prior to the time the Lender obtains possession of all or any portion of the Property to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of Developer or Developer's successors-in-interest, but such Lender shall otherwise be bound by all of the terms and conditions of this Agreement which pertain to the Property or such portion thereof in which Lender holds an interest. Nothing in this Section shall be construed to grant to a Lender rights beyond those of the Developer hereunder or to limit any remedy the City has in the event of a breach by the Developer, including termination or refusal to grant Subsequent Project Approvals with respect to the Property.

(2) Lender in Possession. A Lender who comes into possession of the Property,or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of Developer and which remain unpaid as of the date such Lender takes possession of the Property or any portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive Subsequent Project Approvals with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated orauthorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of the Developer hereunder; provided, further, that no Lender, or successor thereof,shall be entitled to the rights and benefits of the Developer hereunder or entitled to enforce the provisions of this Agreement against City unless and until such Lender or successor in interest qualifies as a recognized assignee of this Agreement and makes payment of all delinquent and current City fees and charges pertaining to the Property.

(3) Notice of Developer's Breach Hereunder. If City receives notice from a Lender requesting a copy of any notice of breach given to Developer hereunder and specifying theaddress for notice thereof, then City shall deliver to such Lender, concurrently with service thereonto Developer, any notice given to Developer with respect to any claim by City that Developer has committed a breach, and if City makes a determination of non-compliance, City shall likewise serve notice of such non-compliance on such Lender concurrently with service thereof on Developer.

(4) Lender's Right to Cure. Each Lender shall have the right, but not the obligation, for the same period of time given to the Developer to cure or remedy, on behalf of the Developer, the breach claimed or the areas of non-compliance set forth in the City's notice. Such action shall not entitle a Lender to develop the Property or otherwise partake of any benefits of this Agreement unless such Lender shall assume and perform all obligations of Developerhereunder.

(5) Other Notices by City. A copy of all other notices given by the City to the Developer pursuant to the terms of this Agreement shall also be sent to any Lender who has requested such notices at the address provided to the City pursuant to Section 1100(4) above.

B. [Sec. 1101] Right to Encumber. The City agrees and acknowledges that this Agreementshall not prevent or limit the owner of any interest in the Property, or any portion thereof, at any time or from time to time in any manner, at such owner's sole discretion, from encumbering the Property, the improvements thereon, or any portion thereof with any mortgage, deed of trust, saleand leaseback arrangement or other security device. The City acknowledges that any Lender may require certain interpretations of the agreement and the City agrees, upon request, to meet with the owner(s) of the property and representatives of any Lender to negotiate in good faith any such request for interpretation. The City further agrees that it shall not unreasonably withhold its consent toany interpretation to the extent such interpretation is consistent with the intent and purpose of thisAgreement.

ARTICLE 12. Entire Agreement.

A. [Sec. 1200] Entire Agreement. This Agreement is executed in duplicate originals, each of which is deemed to be an original. This Agreement consists of __ pages and 15 Exhibits which constitute the entire understanding and agreement of the Parties. Unless specifically stated to the contrary, the reference to an exhibit by designated letter or number shall mean that the exhibit is made a part of this Agreement. Said exhibits are identified as follows:

Exhibit A: Legal Description and Project Site Map
Exhibit B: Baseline Project Features
Exhibit C: Project Discretionary Approvals
Exhibit D: Subsequent Project Approvals
Exhibit E: Affordable Housing Project Individualized Plan
Exhibit F: Sustainability Commitments
Exhibit G: Transit, Transportation and Circulation
Exhibit H: Agricultural Conservation

Exhibit I:	Parks, Greenbelts and Open Space
Exhibit J:	Urban Forest
Exhibit K:	Public Property and Right-of-Way Landscape
Exhibit L:	Impact Fees, Credits and Municipal Financing Mechanisms
Exhibit M:	Phasing Plan Map
Exhibit N:	Wetlands
Exhibit O:	Community Benefits

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the City and Developer and Landowner have executed this Agreement as of the date set forth above.

"CITY"

CITY OF DAVIS

By: _____

Daryel Dunston

City Manager

Attest: _____

Zoe Mirabile

City Clerk

APPROVED AS TO FORM:

_____

Inder Khalsa

City Attorney

"DEVELOPER"

By: _____

By: _____

EXHIBIT A

LEGAL DESCRIPTION AND PROJECT SITE MAP

EXHIBIT "A-1"

PROPERTY DESCRIPTION

PARCEL - 1 AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 9 OF MAPS & SURVEYS AT PAGE 99, YOLO COUNTY RECORDS, CALIFORNIA

SHEET 1 OF 2 SHEETS

PARCEL 1

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1, SAID CORNER BEING ON THE NORTHERLY LINE OF E. COVELL BOULEVARD; THENCE THE FOLLOWING THIRTEEN (13) COURSES;

1) ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 AND NORTHERLY LINE OF E. COVELL BOULEVARD, SOUTH 89°15'58" EAST, 65.43 FEET;

2) THENCE CONTINUING ALONG SAID LINES, ALONG THE ARC OF A 950.0-FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 28°15'48", A DISTANCE OF 468.62 FEET, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 76°36'08" EAST, 463.89 FEET;

3) THENCE CONTINUING ALONG SAID LINES, NORTH 62°26'03" EAST, 954.81 FEET;

4) THENCE CONTINUING ALONG SAID LINES, ALONG THE ARC OF A 1050.20-FOOT RADIUS, NON-TANGENT CURVE TO THE RIGHT, CONCAVE TO THE SOUTH, THROUGH A CENTRAL ANGLE OF 22°33'00", A DISTANCE OF 409.23 FEET, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 74°55'50" EAST, 406.65 FEET;

5) THENCE CONTINUING ALONG SAID LINES, NORTH 85°59'07" EAST, 4.10 FEET;

6) THENCE ALONG THE ARC OF A 50.00-FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 80°23'40", A DISTANCE OF 70.16 FEET, SAID ARC BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 45°47'17" EAST, 64.54 FEET TO A POINT ON THE WESTERLY LINE OF POLELINE ROAD;

7) THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1, SAID LINE BEING THE WESTERLY LINE OF POLELINE ROAD, NORTH 05°35'27" EAST, 257.73 FEET;

8) THENCE CONTINUING ALONG SAID LINES, NORTH 01°46'07" EAST, 4,345.39 FEET;

9) THENCE LEAVING SAID LINES, ALONG NORTHERLY LINE OF SAID PARCEL 1, NORTH 86°24'25" WEST, 2,602.66 FEET;

10) THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 89°35'13" WEST, 2,199.82 FEET TO A POINT ON THE EASTERLY LINE OF F STREET, SAID POINT ALSO BEING ON THE EXISTING DAVIS CITY LIMIT LINE AND BEING THE NORTHWEST CORNER OF SAID PARCEL 1;

11) THENCE ALONG SAID EASTERLY LINE AND DAVIS CITY LIMIT LINE, ALONG THE WESTERLY LINE OF SAID PARCEL 1, SOUTH 14°05'54" EAST, 2,540.50 FEET;

12) THENCE LEAVING SAID F STREET LINE AND CONTINUING ALONG SAID CITY LIMIT AND PARCEL 1 LINE, SOUTH 89°15'58" EAST, 1,498.73 FEET;

13) THENCE CONTINUING ALONG SAID LINES, SOUTH 14°05'18" EAST, 2,954.82 FEET TO THE **POINT OF BEGINNING.**

SAID EASEMENT CONTAINS 382.77 AC, MORE OR LESS

END OF DESCRIPTION

EXHIBIT "A-1"

PROPERTY DESCRIPTION

A PORTION OF PARCEL 2 AS SHOWN ON CERTIFICATE OF COMPLIANCE FOR COVELL VILLAGE CO., INSTRUMENT NO. 2014 O.R. 0006533, YOLO COUNTY, CALIFORNIA

SHEET 2 OF 2 SHEETS

PORTION OF PARCEL 2

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 2, SAID POINT ALSO BEING ON THE EASTERLY LINE OF F STREET, AND BEING THE NORTHWEST CORNER OF AFORE DESCRIBED PARCEL 1 PER 9 M&S 99 AND ALSO BEING A CORNER ON THE EXISTING DAVIS CITY LIMIT LINE; THENCE THE FOLLOWING FIVE (5) COURSES:

1) ALONG THE SOUTHERLY LINE OF SAID PARCEL 2, NORTH 89°35'13" WEST, 2,199.82 FEET;

2) THENCE LEAVING SAID SOUTHERLY LINE, NORTH 00°42'14" EAST, 2,000.00 FEET;

3) THENCE NORTH 89°24'20" WEST, 2,650.87 FEET;

4) THENCE SOUTH 00°11'35" EAST, 234.22 FEET TO A POINT ON THE EASTERLY LINE OF F STREET;

5) THENCE ALONG SAID EASTERLY LINE, SOUTH 13°31'14" EAST, 1,820.78 FEET TO THE **POINT OF BEGINNING**.

SAID PROPERTY CONTAINS 114.88 AC, MORE OR LESS

END OF DESCRIPTION

PREPARED BY: CUNNINGHAM ENGINEERING CORP.
OCTOBER 28, 2025

EXHIBIT "A-2"

VILLAGE FARMS LIMITS

CITY OF DAVIS COUNTY OF DAVIS STATE OF CALIFORNIA

CUNNINGHAM ENGINEERING

OCTOBER 2025 SCALE: 1" = 1000'

SHEET 1 OF 1 SHEETS

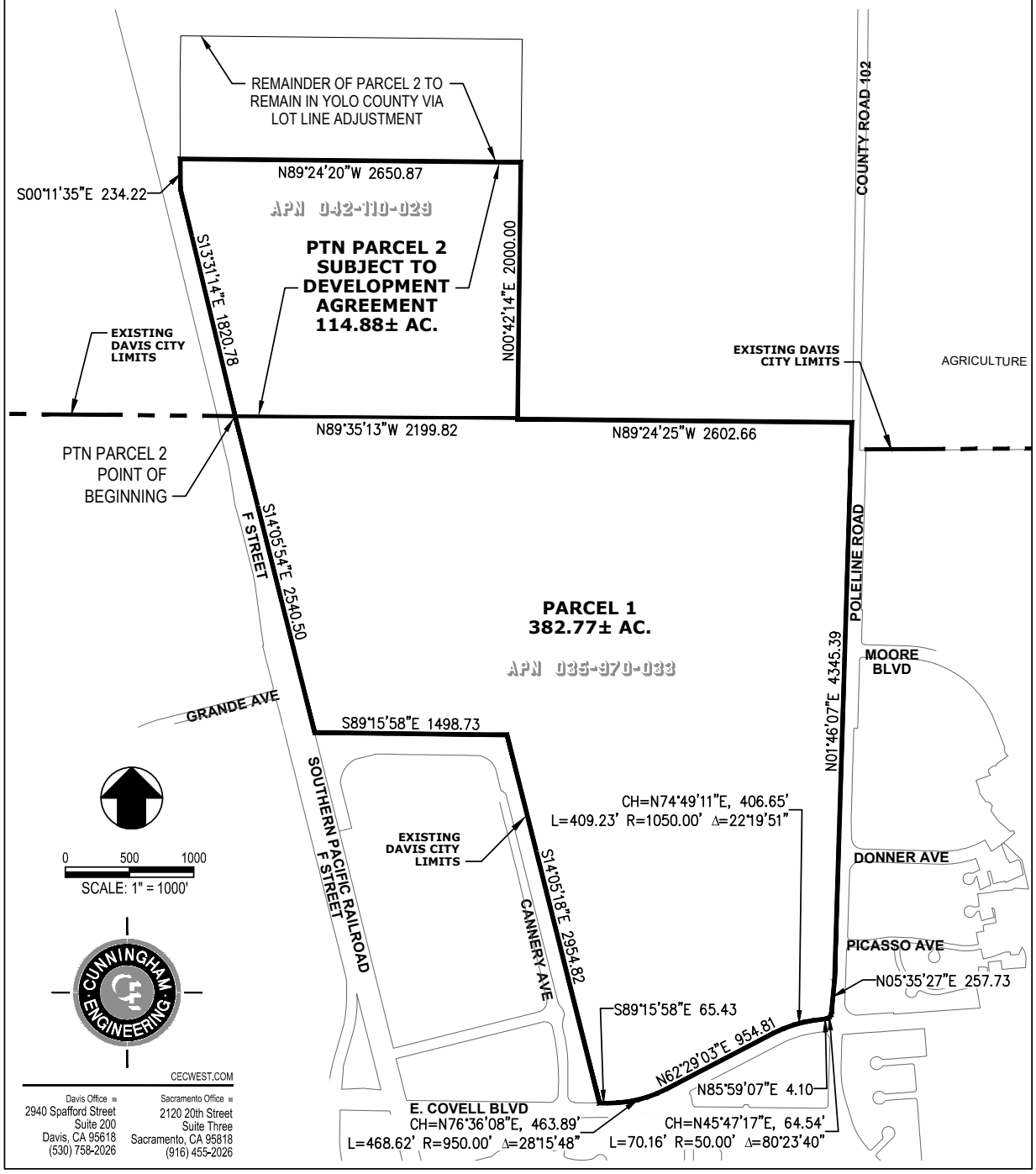


EXHIBIT B

BASELINE PROJECT FEATURES

1. PROJECT GOALS

The Project will create a diverse residential neighborhood with housing options for residents across a broad range of income levels. The Project allows people to live where they work and learn, serving the Davis workforce, families with children, and first-time homebuyers, while **incorporating sustainable design principles and extensive publicly accessible green spaces.** The project will help Davis meet a significant portion of its State-mandated requirement for development of new housing. It will also help stabilize Davis Joint Unified School District, which is facing potential school closures due to a local enrollment gap that currently compels over 1,000 students to commute in from surrounding communities—a shortage projected to worsen significantly over the next decade.

2. KEY PROJECT COMMITMENTS

The Project must be developed in a manner consistent with these Baseline Project Features.

3. RESIDENTIAL LAND USES

The residential portion of the land will be zoned for a maximum of 1,800 residential units and will include Residential High-Density, Residential Medium-Density, and Residential Low-Density zoning designations.

4. AFFORDABLE HOUSING

Village Farms Davis will provide land and capital toward the construction of up to 360 Deed-Restricted Affordable Housing units, approximately 20% of total residential units. This provision exceeds the City requirement.

The Developer will donate a minimum of $6 million in phases toward the construction of affordable units.

The project shall guarantee that construction of at least 100 Deed-Restricted Affordable Housing units is commenced prior to or concurrent with the delivery of the 150th market-rate unit in the Residential-Low-Density district, as set forth in the Development Agreement.

5. NON-RESIDENTIAL LAND USES

The Non-Residential land use program for the Project includes:

- A land dedication to DJUSD intended for Pre-K facilities
- A land dedication to DJUSD intended for an educational farm
- A land dedication to the City of Davis for public facilities
- A community park
- A neighborhood park
- Greenbelts, trails and bike paths
- Land dedications for landing sites for the grade-separated bike and pedestrian crossings across F Street and Pole Line Road.
- Publicly accessible open space
- Land for habitat conservation
- Land designated for agricultural uses, which provides a large buffer to the north and completes a natural urban boundary generally aligned with the current neighborhoods to the east and west of the site. Any land use designation changes on this agricultural land would be subject to the Davis Municipal Code, including, as applicable, Chapter 41, known as Measure J/R/D.

6. ANNEXATION OF AGRICULTURAL LAND

The Project includes the annexation of approximately 498 acres of land located in unincorporated Yolo County, which will require a General Plan Amendment that will change the land use designations of these acres from unincorporated Yolo County Agriculture to the land uses described in the sections below. Because these acres would be designated with agriculture and habitat preservation land use types, the annexation of these areas does not constitute a change of use under Chapter 41 of the Davis Municipal Code.

7. ENVIRONMENTAL SUSTAINABILITY

- All residential units will be all-electric and will not include natural gas service
- All single-family homes shall have solar photovoltaic systems
- The project will integrate stormwater quality and low-impact development features to provide treatment and management of stormwater runoff from urban development areas in accordance with current City of Davis requirements
- The project will include comprehensive stormwater detention and storage facilities to mitigate increased runoff from the project development area, with no projected peak increase to existing aggregate downstream stormwater flows
- The Project will plant up to 4,000 new trees within the Project and seek to preserve the majority of existing healthy mature trees on site.

8. ROADWAY IMPROVEMENTS

The Project will construct all Project-related roadway improvements as required by the 2025 Village Farms Davis Local Transportation Analysis and the 2024 Village Farms Davis Transportation Impact Study (TIS). The phasing of these roadway improvements will be determined through Subsequent Project Approvals. Roadway improvements will conform to the City of Davis 2025 Street Standards requirements, as amended from time to time and as adopted at the time of processing the applicable tentative subdivision map.

Key improvements include:

- The construction of traffic and safety improvements along Pole Line Road and Covell Boulevard
- Intersection improvements at project entry locations on Moore Road, Donner Road, Picasso Road, and L Street
- Improvements to Birch Lane Elementary Safe Routes to Schools with safety enhancements for students biking to and from school.
- Village Farms Davis will also contribute fair-share funding toward a series of off-site traffic improvements per the terms of the Development Agreement, including improvements to Road 102, Covell Boulevard, and traffic light synchronization along Covell Boulevard.

9. BIKE AND PEDESTRIAN MOBILITY

The Project will construct all the bike and pedestrian improvements as required by the TIS. These active transportation enhancements will create a network that integrates with existing Davis infrastructure.

The Project will also implement greenbelt, open space, and recreation connectivity features in accordance with the City's General Plan, 1998 Davis Greenways Plan, and the 2014 Beyond Platinum Bicycle Action Plan, including:

- Construction of a bicycle and pedestrian grade-separated crossing of F Street and the UPRR railroad near Anderson Road at F Street. An overpass in this location is consistent with current railroad policies and guidelines and will proceed subject to the railroad's approval.
- Construction of a bicycle and pedestrian grade-separated crossing of Pole Line Road near Moore Boulevard
- Bike and pedestrian lanes and paths traversing the development to connect the two crossings from F Street to Pole Line Road. This enables bike/ped circulation directly from Northstar to Wildhorse and completes the Davis Bike Loop.

10. TRANSIT

The Project shall prepare and implement a Transportation Demand Management Plan (TDM Plan) to promote a shift away from single-occupancy vehicle use and incentivize a mode shift to bicycling, public transit, private transit, or carpooling. In addition:

- The Project will include infrastructure to accommodate Unitrans and Yolo Bus to ensure convenient access to public transit
- The Project will include publicly accessible car-share spaces
- The Project will provide publicly accessible EV charging stations supporting Davis's climate action goals

11. AGRICULTURAL LAND, OPEN SPACE, AND HABITAT

- The Developer will provide two (2) acres of agricultural conservation easements for every one acre converted from agriculture to urban uses.
- The roughly 47-acre area between the Cannery and existing Channel A will remain undeveloped. This area will generally retain its existing natural state, preserving habitat for special-status species.
- The Project will include a parcel designated for agricultural uses in the northwest portion of the site, north of the developed residential uses.
- The Project will include a publicly accessible approximately 200'-wide Urban Agriculture Transition Area to the north of the residential urban limit.
- The project will preserve and enhance designated open space areas by incorporating native plantings, implementing water-efficient landscaping, and maintaining natural habitat features to support local biodiversity and ensure environmental sustainability in compliance with the City of Davis' open space requirements.

12. PARKS AND RECREATION

The Project will provide at least twenty-three (23) acres of parks and recreation facilities that enhance community wellness and outdoor enjoyment, including:

- A community park designed to connect the surrounding neighborhoods, maintain public views, and preserve the existing cluster of Heritage Oak Trees.
- A neighborhood park centrally located within the community.

The Project will also provide up to approximately forty (40) acres of greenbelts throughout the project with an interconnected network of multi-use trails.

The community park, neighborhood park, and greenbelts will be constructed to serve the Project's new residential population in increments consistent with the City's level of service standards.

13. EDUCATIONAL FACILITIES

The Developer shall offer to dedicate fee title to the Davis Joint Unified School District (DJUSD), without specific use restrictions, the following:

- Approximately 2.4 acres of unimproved land for the conceptual purpose of a new Pre-K Early Learning Center; and
- Approximately 2.8 acres of unimproved land for the conceptual purpose of an educational farm providing an outdoor working classroom for teaching environmental and agricultural values and methods.

While the City is not a party to these agreements, the City can withhold Subsequent Project Approvals if, upon request, the Developer cannot provide evidence that demonstrates reasonable and good faith efforts to transfer the land to DJUSD.

14. FINANCING

The Developer will establish, in partnership with the City, funding mechanisms for the maintenance of parks and open space. Financing may come through a combination of sources which may include, but are not limited to, a Landscape and Lighting District (LLD), Community Facilities District (CFD), owners' association, and/or other mutually agreed-upon funding mechanisms.

15. COMPLIANCE WITH THE BASELINE PROJECT FEATURES

Beyond the Baseline Project Features there are other additional requirements for the Project, including but not limited to, the mitigation measures set forth in the Village Farms EIR, and the Development Agreement that, while important to the Project, are not Baseline Project Features and may be modified with the approval of the City after the appropriate public process. The Development Agreement specifies the extent to which the Developer receives credits or reimbursements for land, public facilities, road improvements and other Developer obligations in accordance with these Baseline Project Features.

In addition, minor refinements to the Project can be anticipated during the Subsequent Project Approvals needed for its development. Such changes, often the result of detailed engineering, geotechnical or other technical factors, or changing conditions, circumstances or other new

information, may be changed without voter approval if they are substantially consistent with the Baseline Project Features and they do not materially alter the character of the project (see Resolution 06-40, Establishing Criteria to Determine What Constitutes a Significant Project Modification or Change Requiring a Subsequent Measure J/R/D Vote).

EXHIBIT C

PROJECT DISCRETIONARY APPROVALS

General Plan Amendment (Resolution _____)

Prezoning and Planned Development (Ordinance _____)

Development Agreement (Ordinance _____)

EXHIBIT D

SUBSEQUENT PROJECT APPROVALS

Following City Council approval of the Project and a successful ballot initiative, the following discretionary approvals and actions by the City are also required to implement the Project:

- Master Tentative Subdivision Map
- Small Lot Tentative Subdivision Map(s)
- Final Planned Development approval(s)
- Site Plan and Architectural Review approval(s), where applicable
- Conditional Use Permit(s), where applicable
- Design Review approval(s), where applicable; and
- Other implementing approvals as described in Section 201 of this Development Agreement
- City Council Approved Tax Sharing Agreement(s)
- Formation of Community Financing Districts, or other financing mechanisms, for maintenance and/or construction of capital facilities
- Application to LAFCo for Annexation

EXHIBIT E

AFFORDABLE HOUSING PROJECT INDIVIDUALIZED PLAN

1. INTRODUCTION

This Affordable Housing Project Individualized Plan ("Plan") outlines Village Farms Development's ("Developer") approach to providing affordable housing for the proposed development project.

2. PROJECT SUMMARY

The project consists of the following residential components:

The following Single-Family units comprising of at least 10% Attached units and up to 90% Detached:

- 310 Single-Family units on lots larger than 5,000 square feet (RLD)
- 113 Single-Family units on lots larger than 5,000 square feet (RMD)
- 1017 Single-Family units on lots smaller than 5,000 square feet (RMD)

Multifamily units comprising of:

- 262 Deed Restricted Permanently Affordable Very Low and Low Income Housing units to be constructed on a land dedication site or sites as further described below.
- An additional 18 Deed Restricted Permanently Affordable Very Low and Low and Income Households.
- An additional 80 Deed Restricted Permanently Affordable units for Moderate Income Households.

These programs represent a meaningful commitment to housing affordability and demonstrate our dedication to creating a diverse, inclusive community at Village Farms.

The Village Farms development also intentionally includes a significant number of smaller-sized market-rate lots to promote housing affordability, providing more attainable housing options for a wider range of buyers. This array of housing options is intended to support the housing continuum and create a more inclusive community.

3. AFFORDABLE HOUSING REQUIREMENTS

The following calculations represent a preliminary estimate based on the current conceptual plan.

As calculated under the Davis Municipal Code, the project would require the following affordable housing units:

Ownership Units Affordable Housing Requirements

Ownership Residential Product Type	% of Aff. Units Req. for Product Types	Total # of Project Units for this Product Type	# of Aff. Units Required
Market-rate SFR detached ownership units on lots larger than 5,000 square feet (Per §18.05.050(a)(1)(A))	25%	296 - RLD + 113 – RMD	*(74+28.25)* = 102.25
Market-rate SFR detached ownership units on lots smaller than 5,000 square feet (Per §18.05.050(a)(1)(B))	15%	887 – RMD	133.05
Market-rate SFR attached ownership units (Per §18.05.050(a)(1)(C)) NOTE: Attached Unit Breakdown = 14 in RLD, 14 in RMD over 5k SF lot, and 116 in RMD under 5k SF lot	10%	144 – RMD	14.40
Total Number of Affordable Units Required			**249.7**

Multifamily *Moderate Income 80-120% AMI

Market-Rate* Rental Residential Product Type	% of Aff. Units Req. for Product Types	Total # of Project Units for this Product Type	# of Aff. Units Required
Rental Housing* (Per §18.05.060)[1]	15%	80*	12

Total Affordable Housing Requirement: 262 units

4. COMPLIANCE APPROACH

4.1 Proposed Land Dedication

With the goal of producing 360 affordable housing units, Developer proposes to dedicate approximately 16 acres of land to the City, which will be developed in partnership with one or more qualified affordable housing developers selected by the City. At the time of

dedication to the City, the sites will be fully improved with infrastructure, frontage improvements (i.e., curb, gutter, walk), paved street access, and utility (i.e., water, gas, sewer, and electric) service connections stubbed to the property lines. The 16 acres of land shall be delivered across a maximum of four parcels with a minimum parcel size of 2.5 acres. The land will be dedicated as provided by the Large Lot Tentative Map, and the infrastructure serving the identified lots will be constructed with the associated Project phase.

4.2 Housing Type Specifications

The affordable housing to be developed on the land dedication site will be permanently affordable in accordance with the requirements of the Davis Municipal Code. The specific housing types will be determined by the City in consultation with the selected affordable housing developer(s) and will be based on funding opportunities, community needs, and market conditions.

4.3 Contribution Directly to the City's Housing Trust Fund

In addition to the contributions listed above, Developer will contribute $6,000,000 directly to the City's Housing Trust Fund. These funds are contributed to the goal of constructing all 360 multifamily units as deed-restricted units. The funds contributed to the Housing Trust Fund shall be used exclusively to support the development of affordable housing on the land dedication sites within the Project unless, at the time that the funds are fully contributed to the City, the City determines that adequate funding has been secured for the construction of the required affordable housing on each land dedication site, in which case the funds may be used for any purpose in conformance with Chapter 18.05 of the Municipal Code.

5. AFFORDABLE HOUSING PRODUCT MIX AND INCOME TARGETING

The affordable housing developed on the land dedication sites will serve:

280 units reserved for very low and low-income households, with the following income targets:

- A minimum of 50% of the units will be affordable to very low-income households (≤50% of Area Median Income)
- The remaining units will be affordable to low-income households (≤80% of Area Median Income)

80 units for moderate income households, with the following income targets:

- All units will be affordable to moderate income households between 80% and 120% of Area Median Income

The total number and specific composition of the units developed on the land dedication sites will be determined at the discretion of the City, since the City will own and ultimately convey the land dedication site to the affordable developer(s).

6. IMPLEMENTATION TIMELINE

A. The specific size and location of the land dedication parcels, as well as the legal mechanism and specific timing of dedication, will be determined at the time the first Large Lot Tentative Map is approved for the Project.
B. Land dedication parcels may be accepted by the City at such time that) infrastructure, frontage improvements (i.e., curb, gutter, walk), paved street access, and utility (i.e., water, gas, sewer, and electric) service connections stubbed to the property lines are completed.
C. A $2,000,0000 contribution to the Housing Trust Fund will be made by Developer to City concurrently with dedication of the first land dedication site. An additional $1,000,000 contribution to the Housing Trust Fund will be made by Developer to City prior to the first building permit issued for Phase 2 of the development. The remaining $3,000,000 contribution to the Housing Trust Fund will be made by Developer to City prior to the first building permit issued in Phase 3 as shown on Exhibit M.

7. DELIVERY OF AFFORDABLE UNITS

City and Developer acknowledge that Developer has met or exceeded requirements of the City Affordable Housing Ordinance through the commitments set forth above in this Exhibit E. In addition, Developer and City acknowledge the mutual goal of ensuring timely construction of affordable housing units on the land dedication site(s). The Parties agree to the following mechanisms to ensure the delivery of affordable housing units in a timely manner:

7.1 Construction Commencement Milestone

The Parties agree that no more than 150 building permits for Residential Low-Density units in Phase 3 of the Project shall be issued until such time as construction of at least one hundred (100) affordable units has commenced on the land dedication site(s). Construction shall be deemed to have commenced upon receipt of a construction financing commitment letter from a qualified lender demonstrating that the construction of the affordable units is or will be fully funded. The letter may be provided by the City, an affordable housing developer, or Developer, subject to review and approval by the City.

7.2 City's Election Rights

In light of the construction commencement milestone set forth in Section 7.1 above, City shall exercise diligent and good faith efforts to commence construction of at least 100 affordable housing units on the land dedication site(s) to avoid any delay in the issuance of Residential Low Density building permits for Phase 3 of the Project.

Notwithstanding the above, if the City determines that construction of the 100 units is infeasible for any reason, City may elect to request Developer to construct the units. If City elects to construct such units, the provisions of subsection (a) below shall apply.

The City shall make this election, by City Council Resolution, before or concurrent with City Council approval of the residential/small lot Final Map for Phase 2 of the Project.

(a) If City elects to build the affordable units, then it shall retain the dedication site(s) and the $6,000,000 contributed by Developer, and the foregoing restriction on the issuance of Residential Low Density building permits shall be lifted.

(b) If City elects to request Developer to provide the affordable units, City shall return to Developer the dedication site(s) and any unexpended portion of the $6,000,000 that has been funded by Developer (including any interest earned on those funds), necessary to construct the units proposed to be constructed by Developer, in which case Developer shall be released from any further obligation to make additional affordable housing trust fund payments.

7.3 Developer Construction

Should City elect to return the dedication site(s) and funds to developer under Section 7.2 above, then the following shall occur:

(a) Developer shall **provide** at least one hundred affordable housing units less the number of affordable housing units for which construction has been commenced by City.

(b) City shall deliver to Developer, at no cost to Developer, such portion of the land dedication site(s) adequate to construct the number of affordable housing units proposed to be provided by Developer, at a density of at least twenty-three (23) units per acre, up to the entirety of the land dedication site(s). To the extent the City delivers all or a portion of the land dedication site(s) to the Developer, the City agrees Developer will still be in full compliance with the land dedication requirements described in this Exhibit.

(c) Developer may utilize any funds contributed or promised by Developer to the City's Housing Trust Fund that remain unexpended, including any interest actually earned on such funds, to the extent required to construct the number of affordable units proposed to be provided by Developer. City and Developer shall cooperate in good faith to determine the funds required to achieve the goals described in this Exhibit.

(d) The City shall cooperate with Developer in good faith to facilitate the transfer of property and to assist with Developer's provision of affordable housing units;

(e) Developer shall provide affordable housing units in compliance with the income targeting and affordability requirements set forth in Section 5 of this Plan;

(f) Developer's provision of affordable units pursuant to this provision shall be credited against the City’s affordable housing unit requirements as set forth in Section 3 above.

(g) City’s failure to cooperate with Developer as described in Section 7.3 and this Section would constitute an event of default under this Agreement.

(h) City's sole and exclusive remedy for Developer's failure to provide the affordable housing units shall be to withhold building permits for Residential Low-Density units in Phase 3 for the 151st unit and beyond.

7.4 Mutual Cooperation

The parties acknowledge that the provisions in this Section 7 are intended to ensure delivery of affordable housing and are not intended to discourage the City from actively pursuing development of the land dedication site(s). Both parties commit to working collaboratively to facilitate timely development of affordable housing at Village Farms.

8. REGULATORY AGREEMENT

Residential units developed on the land dedication site shall be subject to a regulatory agreement entered into by and between the City and the developer of the land dedication site pursuant to Section 18.05.060(a)(2) of the Municipal Code to ensure the continued affordability of the residential units in perpetuity. The regulatory agreement shall be recorded against the land dedication site and shall require compliance with the monitoring requirements for the affordable residential units as set forth in Section 18.05.060(a)(4) of the Municipal Code.

9. CONCLUSION

Through the dedication of the land sites for the development of affordable housing and contribution of $6,000,000 directly to the City's Housing Trust Fund, this Plan best ensures construction of the units and will generate an amount of affordability that is greater than the amount that would be generated under the standard affordability requirements for the City.

EXHIBIT F

SUSTAINABILITY COMMITMENTS

In recognition of the City's declaration of a climate emergency (RESOLUTION 19-023), the Developer shall deliver the following Sustainability Commitments. These commitments are a means to address and mitigate identified environmental concerns, including global climate change, and to enhance the long-term sustainability of the Project. The commitments below are in addition to sustainability commitments contained in other exhibits to this Development Agreement.

All code and policy citations in this Exhibit are provided for reference only to illustrate the code provisions, requirements, standards and goals applicable to the Project. The Project will be subject to the code provisions, requirements, standards and goals referenced in this Exhibit as such code provisions, requirements, standards and goals exist as of the Default Vesting Date.

SUSTAINABILITY

Energy Efficiency & Usage

Goal/Initiative	Description	Compliance
All-Electric Buildings	No natural gas usage; all buildings designed for full electrification.	Davis Municipal Code (§8.01.090, § 8.01.100, § 8.01.110) | CAAP BE.1
Passive Solar Design	Buildings shall be designed to incorporate passive heating and	Davis Municipal

	cooling so as to reduce overall energy needs.	Code §39.09.040
EV Infrastructure	Pre-installed 8-gauge wiring for Level 2 EV charging in residential and multifamily units.	Davis Municipal Code (§ 8.01.090) | CAAP TR.1
Onsite Renewable Energy	Solar PV installed on all habitable buildings.	Davis Municipal Code (§ 8.01.110) | CAAP BE.7
Purchase of Carbon Offset	To the extent Developer is required to purchase Carbon offsets, if such is available at a similar cost as offsets available through other means, then Developer will purchase offsets from a local facility, with preference for a City or Valley Clean Energy facility.	
Outdoor Public Lighting	Manage outdoor lighting in public spaces, aiming to minimize light pollution, enhance nighttime visibility, and ensure safety.	Davis Municipal Code (§ 8.17.010)
Utility Connections	If, at such time as the Developer installs its utility infrastructure, a municipal energy utility or municipal utility district is available to serve the project, Developer agrees to dedicate the utility infrastructure associated with the Project to that utility, under terms similar to those that govern the	

	development and dedication of utility infrastructure for an investor-owned utility.	
Reach Code Compliance	Village Farms Davis will meet the City's Reach Code standards, emphasizing energy efficiency and renewable energy integration.	City of Davis Reach Code as they apply to the commitments.

Recycling and Waste Disposal

Goal/Initiative	Description	Compliance
Recycling & Composting	A comprehensive waste diversion program in partnership with the City's contracted provider, Recology Davis, including organic waste recycling.	SB 1383 Organic Waste Recycling
Construction & Demolition Debris Diversion	Compliance with all City diversion requirements to minimize landfill waste.	Davis Municipal Code (§ 32.04)
Waste Reduction & Recycling Plan	A completed waste reduction and recycling plan will be submitted with building permit applications.	Davis Municipal Code (§ 32.04.070)

NATURAL RESOURCES

Initiative	Description	Compliance
Air Quality	The project aims to enhance connectivity and promote sustainable transportation opportunities which include: adding bus stops within the development as well as along Covell and Pole Line in coordination with Unitrans and Yolo Bus; adding a bike/pedestrian undercrossing to Nugget Fields; and construction of a bicycle and pedestrian grade-separated crossing of F Street and the UPRR railroad near Anderson Road at F Street. These improvements are designed to encourage walking and biking to and from	Climate Action and Adaptation Plan Transportation & Land Use Actions: TR.3, TR.4, TR.5, TR.6, TR.7, TR.11

	surrounding neighborhoods and Nugget Fields. In addition, the project will support micro-mobility and rideshare options, while incorporating infrastructure to be EV charger-ready—supporting clean air vehicles, bicycles, and scooters. The success of these initiatives will depend on collaboration, approval, and integration with City and County agencies, as well as partnerships with private and quasi-public providers, such as those currently operating in Davis, like Spin and ZipCar, or others.	
Drought-Tolerant Landscaping & Green Spaces	The project will include water-efficient landscaping, xeriscaping, "climate ready" trees, permeable hardscapes, and smart drip irrigation. In anticipation and adherence to best practices, turf will only be utilized for specifically programmed uses.	**City of Davis Water Efficient Landscaping Standard,**40.42.090, 40.42.060,40.42.160) **MWELO** (water budgeting, irrigation efficiency)

		Permanent Water Use Restrictions (irrigation timing, runoff prevention, rainfall restrictions**)** CAAP WW.1 CAPCOA W-5, W-6,
Flooding	Building pads within the project will be graded to provide for finished floor elevations that are elevated above the mapped flood elevations. The project will include new storm drain channels, new detention facilities and improvements to the existing Covell Drain, improving resiliency of the regional drainage system to climate change.	**FEMA 60.3 – City of Davis floodplain regulations (8.07.010)**
Stormwater Management & Quality	The project will incorporate bioswales, landscape planters, and pervious pavements to reduce runoff, filter pollutants, and manage stormwater flow.	**City of Davis Stormwater Standards (40.42.180)** **State of California Stormwater Regulations**

		CAPCOA W-7
Water Capacity	The SB610 Water Supply Assessment (WSA) indicates that there is adequate water supply and that projected demand remains within the city's available water resources. The project will connect to existing infrastructure, supporting sustainable water usage.	**December 2023 WSA (Brown & Caldwell) - City of Davis Water Supply Plan** Village Farms Draft EIR, Appendix S
Wastewater Capacity	The existing 42" sewer main and wastewater treatment plant have sufficient volumetric capacity to accommodate the project with minimal impact. The wastewater treatment plant does not have sufficient treatment system capacity in part due to the reduced water flows, achieved through water conservation efforts, causing a higher concentration of waste. System improvements will be identified in the completed study expected in January 2026.	**City of Davis WWTP Capacity Analysis Evaluation Interim Findings (Nov 2025)** Village Farms partially recirculated Draft EIR, Appendix A

EXHIBIT G

TRANSIT, TRANSPORTATION AND CIRCULATION

The Developer acknowledges that the Project must comply with all transportation mitigation measures identified in the Village Farms EIR and Mitigation Monitoring and Reporting Program for the Project.

1. ROADWAY, BIKE AND PEDESTRIAN IMPROVEMENTS

A. The Developer shall construct all physical improvements to address project-related adverse effects on peak hour traffic operations in the Village Farms Davis Mitigation Monitoring and Reporting and the Village Farms Davis Local Transportation Analysis-FINAL dated March 2025, unless otherwise noted below:

(1) County Improvements.

The developer shall complete or contribute to the following necessary improvements which fall under the jurisdiction of Yolo County (County):

(a) County Road 102/County Road 29: install an all-way stop control

(b) County Road 102/County Road 28H install an all way stop control.

The developer shall work with Yolo County on an improvement agreement or pay the applicable fees. In the event that the Applicant is unable to come to an agreement with the County and the Applicant has made a reasonably good faith effort and provided sufficient documentation to the satisfaction of the Community Development Director and the City Engineer that the developer has done so, then the Community Development Director and City Engineer may waive the improvement requirement.

B. The aforementioned Developer's construction obligations may be subject to modifications that will be incorporated into any improvement agreements associated with Subsequent Project Approvals pursuant to any future traffic-related studies approved by the City.

C. The Developer's construction obligations are subject to fair share allocations and related credits and reimbursements to be determined by the future nexus study described in Exhibit L section 1 except for those fair share allocations specifically quantified in Exhibit L.

2. ROADWAY, BIKE AND PEDESTRIAN IMPROVEMENTS REQUIRED BY PHASE

In conjunction with the submittal of any subsequent discretionary action, the Developer may be required to submit a focused traffic impact study to determine which, if any, of the intersection and roadway mitigations and improvements, as included in the Village Farms EIR are required based on the traffic generated by the subject development phase. This requirement depends on the outcome and the applicable substitution of the Anticipated Nexus Study, discussed further in Exhibit L. If required by the City, the focused traffic study shall address the impact of adding the individual phase of development to existing plus other approved/pending development projects. This analysis will be shared with the City to determine which traffic mitigation measures are necessary to accommodate each phase of development. This will also serve to inform the City on mode share and to trigger the need for increased transit services. Each approved phase of development shall be conditioned to construct all physical improvements as identified in the focused traffic study.

3. ADDITIONAL MOBILITY IMPROVEMENTS

To provide safe connection for bicyclists and pedestrians, the Developer shall construct the following physical improvements:

A. Grade-separated multi-use crossing of F Street/railroad with the eastern landing generally aligning with existing Channel A and the western landing in the undeveloped area between F Street and Northstar Pond. The City shall participate with the developer to provide easements and access to the City-owned landing site on the west side of the crossing. This grade-separated crossing shall be completed prior to the end of Phase 3, as shown on Exhibit M.

B. Grade-separated crossing of Pole Line Road connecting to the existing local and regional trails system located at Moore Blvd. The City shall work with the Developer through the design and permitting necessary to relocate existing utilities within Pole Line Road, including the domestic water trunk main located within this roadway. This grade-separated crossing shall be completed prior to the end of Phase 1, as shown on Exhibit M. and in conjunction with mitigation measure 4.13-2(c) included in the Village Farms Final EIR.

4. TRANSIT FEATURES AND ENHANCEMENTS

The Developer shall join Yolo Commute to manage the Transportation Demand Management strategies that are required under Mitigation Measure 4.13-4 in the Village Farms Final EIR.

EXHIBIT H
AGRICULTURAL CONSERVATION

1. RIGHT TO FARM AND FARMLAND PRESERVATION.

The Project shall be subject to the City's Right to Farm and Farmland Preservation Ordinance (Municipal Code 40A) which will vest at the General Plan and Zoning Vesting Date, and which commits the Developer to the requirements set forth below.

2. OVERVIEW.

The Property encompasses a total of 497.65 acres of land in Davis, California. The Property is divided into several distinct categories as shown on Attachment H-1:

- Approximately 332.22 acres approved for urban development (the "Urban Development Area");
- Approximately 11.25 acres of Urban Agricultural Transition Area as shown on Attachment H-2 (the "UATA");
- Approximately 47.08 acres to be established as a permanent open space and wetland preserve as described on Exhibit N (the "Open Space Preserve"); and
- Approximately 107.1 acres north of the UATA that is presently used as Agricultural Land within the meaning of Municipal Code 40A (the "Northern Agricultural Area").

3. AGRICULTURAL MITIGATION REQUIREMENTS.

The Developer shall preserve agricultural land consistent with the requirements of the City of Davis Agricultural Land Mitigation Ordinance, codified in Municipal Code Chapter 40A, Article 40A.03. Agricultural land shall be preserved at a ratio of two acres preserved for every acre of agricultural land changed from an agricultural use to a non-agricultural use as part of the Project (2:1 ratio). As shown on Attachment H-1, 332-acres are proposed to be converted to a non-agricultural use. Accordingly, the Developer is required to provide **664 acres** of agricultural mitigation land in accordance with Chapter 40A. At City's request, the Developer shall not include agricultural land it owns or controls north of the Property in its ag land mitigation proposal to the City unless that land is north of County Road 29. The Developer will record the required agricultural conservation

easements required by Article 40A.03 prior to issuance of any grading permits.

4. AREAS EXCLUDED FROM AGRICULTURAL MITIGATION REQUIREMENTS.

For the reasons described in Section 4 below, the UATA, the Open Space Preserve and the Northern Agricultural Area will not trigger the payment of mitigation fees under Chapter 40A.

A. UATA: Davis municipal code requires a minimum one-hundred-fifty-foot agricultural buffer separating urbanized uses from adjacent agricultural operations. Village Farms Davis shall provide a 200'–wide UATA comprised of a 50' "Agricultural Transition Area" and a 150' "Agricultural Buffer" which incorporates a storm channel. Per Section 40A.03.035(c) of the Davis Municipal Code, the 11.25-acre UATA qualifies as an agricultural buffer and is therefore exempt from agricultural mitigation requirements. This 11.25-acre site shall be maintained and provided to the City with a topographically similar appearance to the City's existing North Davis Channel to the west of the Property in order to ensure visual continuity.

(1) 50' Agricultural Transition Area

The Developer shall create the 50' UATA Agricultural Transition Area parcel with the first final map and retain the ownership of the parcel with a dedication of a public services access and maintenance easement to the City. The Developer shall dedicate this parcel in fee title to the city, through a separate instrument, concurrent with the Phase 3 development of the Project. The City shall accept the improvements and an irrevocable offer of dedication of fee title upon completion of the warranty period of the improvements.

For the 50-foot-wide Agricultural Transition Area, the Developer shall construct the following improvements:

- With the Mass Grading Improvements (Phase 0):

- A 12-foot-wide all-weather access road for maintenance purposes, with an access easement provided to the City, which shall be approved by the City's Public Works Utility and Operations Department.
- A hydroseed mixture of California native grasses and forbs approved by the City's Open Space Program Manager shall be applied to this section of the ag buffer for habitat.
- California native plants and groundcovers approved by the City's Open Space Program Manager shall be planted for habitat.
- A mixture of various tree species approved by the City's Arborist shall be planted for habitat and sufficient trail shade.
- A temporary drip irrigation system shall be installed.

- Prior to the 200th building permit in the adjacent residential development (Phase 3):
  - A twelve-foot-wide concrete multi-purpose trail for bicycle and pedestrian use connecting to the existing trail network.
  - A mixture of various tree species approved by the City's Arborist shall be planted for habitat and sufficient trail shade.

(2) 150' Agricultural Buffer

Developer shall create the 150' UATA Agricultural Buffer parcel with the first final map. The Developer shall dedicate this parcel to the City (through an irrevocable offer of dedication in fee title) with the first final map. The City shall accept the improvements and an irrevocable offer of dedication of fee title upon completion of the warranty period of the improvements.

For the 150' Agricultural Buffer, the Developer shall construct the following improvements:

- A post-and-cable fence shall be constructed to separate this section of the ag buffer from the publicly accessible section.
- A portion of the project's realigned drainage channel shall be constructed in this section of the ag buffer.

- A hydroseed mixture of California native grasses and forbs approved by the City's Open Space Program Manager shall be applied to this section of the ag buffer for habitat.
- California native plants and groundcovers approved by the City's Open Space Program Manager shall be planted for habitat.
- A temporary drip irrigation system shall be installed.

The Developer shall provide the above listed improvements on the UATA parcels prior to acceptance by the City. Developer shall contribute to funding for maintenance through one or a combination of sources such as a Community Facilities District (CFD) and/or other mutually agreed upon funding mechanisms. The UATA and the improvements discussed above are conceptually depicted in Attachment H-2, a plan-view of the UATA, and Attachment H-3, a cross-section of the UATA parcel.

B. Open Space Preserve: The Open Space Preserve (also referred to as the Natural Habitat Area or the Preservation Area) contains an identified alkali playa/alkali wetland complex that is under the jurisdiction of state and federal regulatory authorities. The Developer shall cause the Open Space Preserve to be protected by a permanent habitat conservation easement that will guarantee it will not be developed into urban uses in the future. Thus, although these 47 acres will be taken out of agricultural production, they will be permanently protected from development and will be used to protect a rare habitat type. For these reasons, the City has determined that this parcel is exempt from the City's ag land mitigation ordinance. To secure the benefits of this exclusion from agricultural mitigation fees, Developer shall comply with the requirements of Exhibit O to this Development Agreement.

C. Northern Agricultural Area:

(1) <u>Description.</u>

The 107.1-acre Northern Agricultural Area (or "Ag Parcel") will be annexed into the City of Davis in accordance with a pre-zoning that allows use of the property as agricultural land. The area will remain in private ownership with all costs of maintenance and operation

to be borne by the landowner. The area will consist primarily of an excavated basin area with depths ranging from approximately eight (8) to ten (10) feet below original grade and a flat bottom designed to support agricultural use. Farm access ramps will be constructed to allow vehicular and equipment access into the lowered basin area. The existing farm access road around the perimeter of the basin shall be replaced or improved as part of the Project. A drainage/flood easement shall be dedicated across the excavated portions of this area to the limits of the 200-year flood plain limits, as generally shown on Attachment H-4, at the time and in the manner prescribed by the Large Lot Tentative Map.

As more fully described in the August 20, 2025 report prepared by House Agricultural Consultants (the "House Report"), the average quality of the soils in Northern Agricultural Area is poor and generates variable yields of low-value crops (i.e., wheat) across the site. As described above and in the House Report, material will be "borrowed" from this area to raise the elevation of portions of the Urban Development Area, with topsoils from the area to be stockpiled, remediated (as described below) and ultimately just the topsoils returned to the borrow area. The House Report recommends the preparation and implementation of a detailed soil restoration plan (the "Restoration Plan") and farm plan (the "Farm Plan") to assure that the Northern Agricultural Area will be restored to a farmable condition. The House Report includes specific recommendations for inclusion in the Restoration Plan and the Farm Plan and concludes that, if these plans are developed and implemented, the Northern Agriculture Area should support agriculture at a level roughly similar (although not identically) to how it has supported agriculture in its historical condition.

In order to fully implement the recommendations of the House Report and restore the Northern Agriculture Area to agricultural use, Developer shall take the following steps:

- Developer shall retain the services of a qualified agronomist approved by the Community Development Director to prepare the Restoration Plan and the Farm Plan, as well as a Topsoil Management Plan. The purpose of the Topsoil Management Plan is to ensure that the excavated topsoil remain viable for future agricultural use. The Restoration Plan, the Farm Plan, and the Topsoil Management

Plan shall be included with the first mass grading improvement plan set submitted by Developer for City approval.

- Upon the City's approval of the Restoration Plan, the Developer shall enter into a permit-to-enter agreement with City to allow City staff or the City's agents to access the basin area for monitoring and inspections during the topsoil storage process through the conclusion and verification of a Farm Plan (i.e. for a period of time that covers at least the 5-year period following the deposition of the stockpiled topsoil back to the borrow pit, and implementation of the associated Farm Plan).

- After the Top Soil Management Plan and the Restoration Plan have been fully implemented, as evidenced by a written letter to the City by the qualified agronomist who oversaw implementation, Developer shall cause the Ag Parcel to be returned to agricultural use for a period of at least 5 years.

- At the conclusion of a 5-year period following the deposition of the stockpiled topsoil back to the Ag Parcel, and implementation of the associated Farm Plan, Developer shall retain the services of a qualified agricultural consultant to conduct an assessment to verify as to whether the Northern Agricultural Area is operating as viable agricultural land as defined in Chapter 40A. If the agricultural consultant determines that the Northern Agricultural Area is not performing as agricultural land as defined by Chapter 40A, then Developer shall be required to provide additional agricultural mitigation at a 2:1 ratio (approximately 214 acres of mitigation land) in a location subject to approval by the City or pay the required mitigation fees. If the Developer fails to mitigate the loss of agricultural land as required by Chapter 40A within 180 days of the City's determination that the Northern Agriculture Area is not performing as agricultural land as defined by Chapter 40 A, the City may withhold building permits or certificates of occupancy from the Property in addition to pursuing any other legal remedies available.

- If, at the conclusion of the 5-year period, the qualified agricultural consultant confirms that the Ag Parcel is viable agricultural land and supports uses allowed in

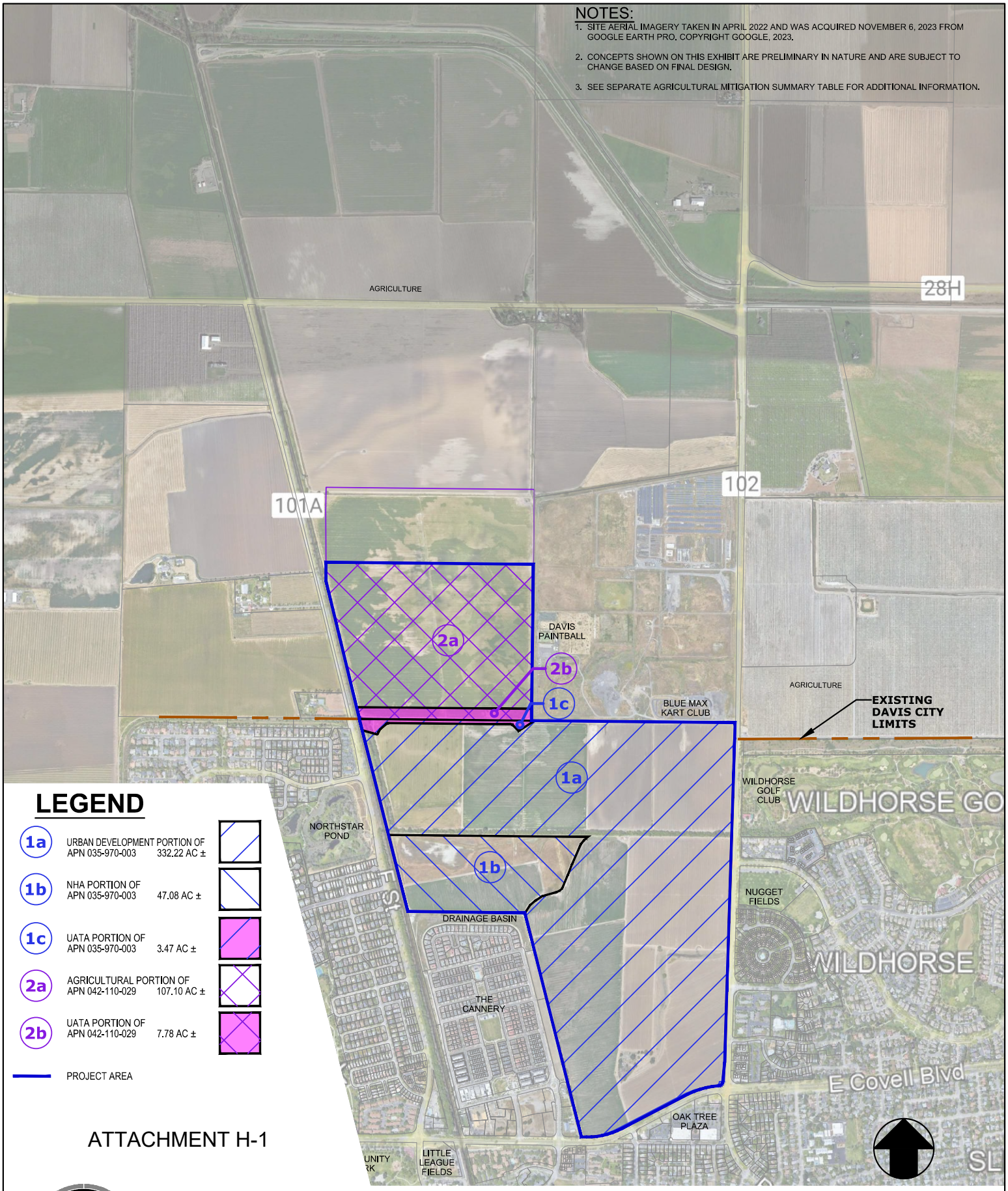
Chapter 40A, then Developer shall be released from its obligations outlined in this Development Agreement and the Ag Parcel may continue to be used for purposes consistent with its agricultural zoning designation.

(2) <u>Basis for Exclusion.</u>

As described above, the 107-acre Northern Agriculture Area is exempt from the City's agricultural mitigation requirements to the extent that it remains in an agricultural use as defined by Davis Municipal Code Section 40A.03.020. In the event this area is developed into urban uses or can no longer support agricultural use in the future, the Developer will mitigate the loss of agricultural area pursuant to the City's code requirements.

NOTES:

1. SITE AERIAL IMAGERY TAKEN IN APRIL 2022 AND WAS ACQUIRED NOVEMBER 6, 2023 FROM GOOGLE EARTH PRO. COPYRIGHT GOOGLE, 2023.
2. CONCEPTS SHOWN ON THIS EXHIBIT ARE PRELIMINARY IN NATURE AND ARE SUBJECT TO CHANGE BASED ON FINAL DESIGN.
3. SEE SEPARATE AGRICULTURAL MITIGATION SUMMARY TABLE FOR ADDITIONAL INFORMATION.



LEGEND

1a	URBAN DEVELOPMENT PORTION OF APN 035-970-003	332.22 AC ±
1b	NHA PORTION OF APN 035-970-003	47.08 AC ±
1c	UATA PORTION OF APN 035-970-003	3.47 AC ±
2a	AGRICULTURAL PORTION OF APN 042-110-029	107.10 AC ±
2b	UATA PORTION OF APN 042-110-029	7.78 AC ±

PROJECT AREA

ATTACHMENT H-1

VILLAGE FARMS DAVIS - BIOLOGICAL RESOURCE PRESERVATION ALTERNATIVE

AGRICULTURAL MITIGATION PLAN

0 800 1600

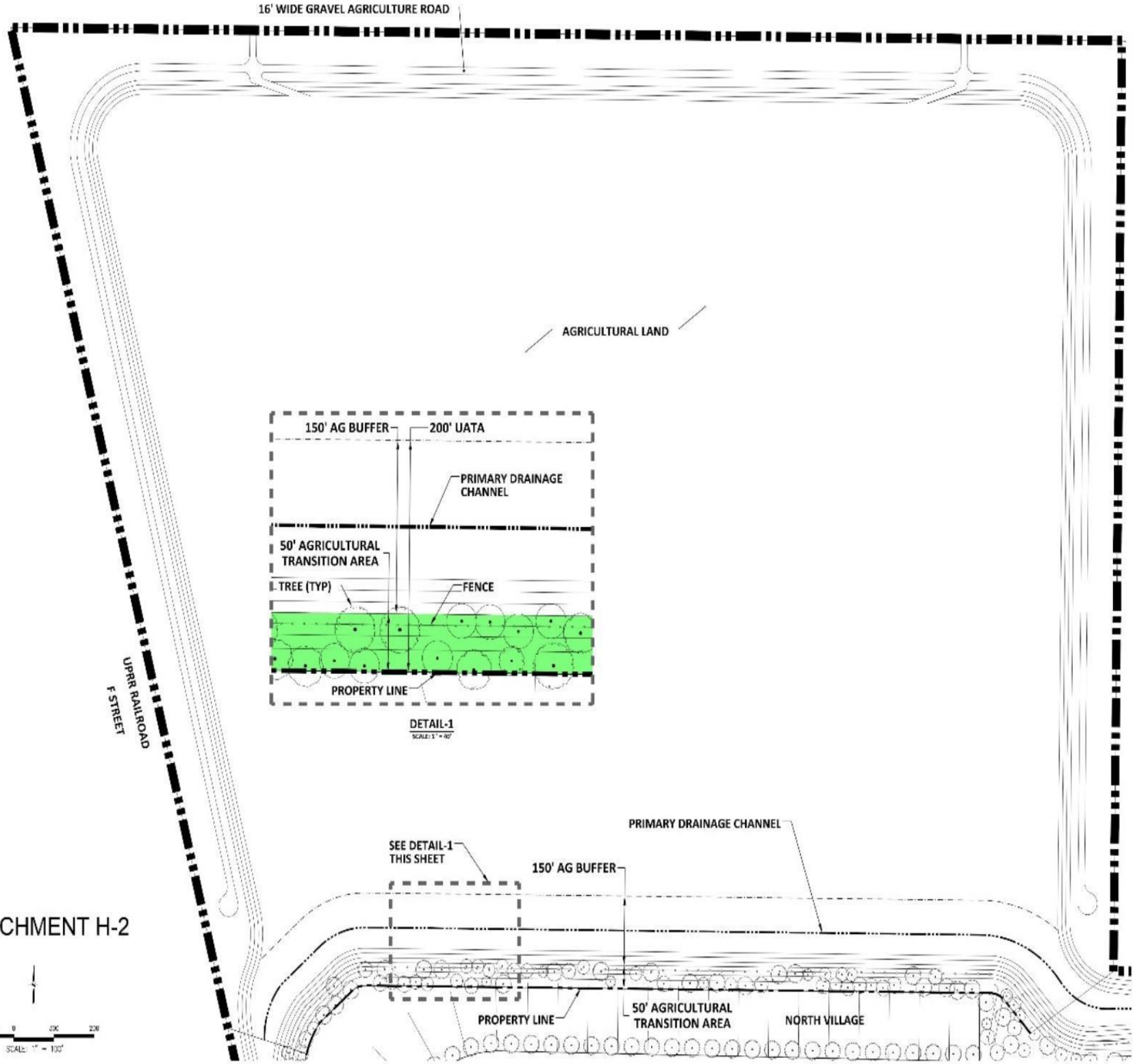
SCALE: 1" = 1600'

DATE: 10/08/2025

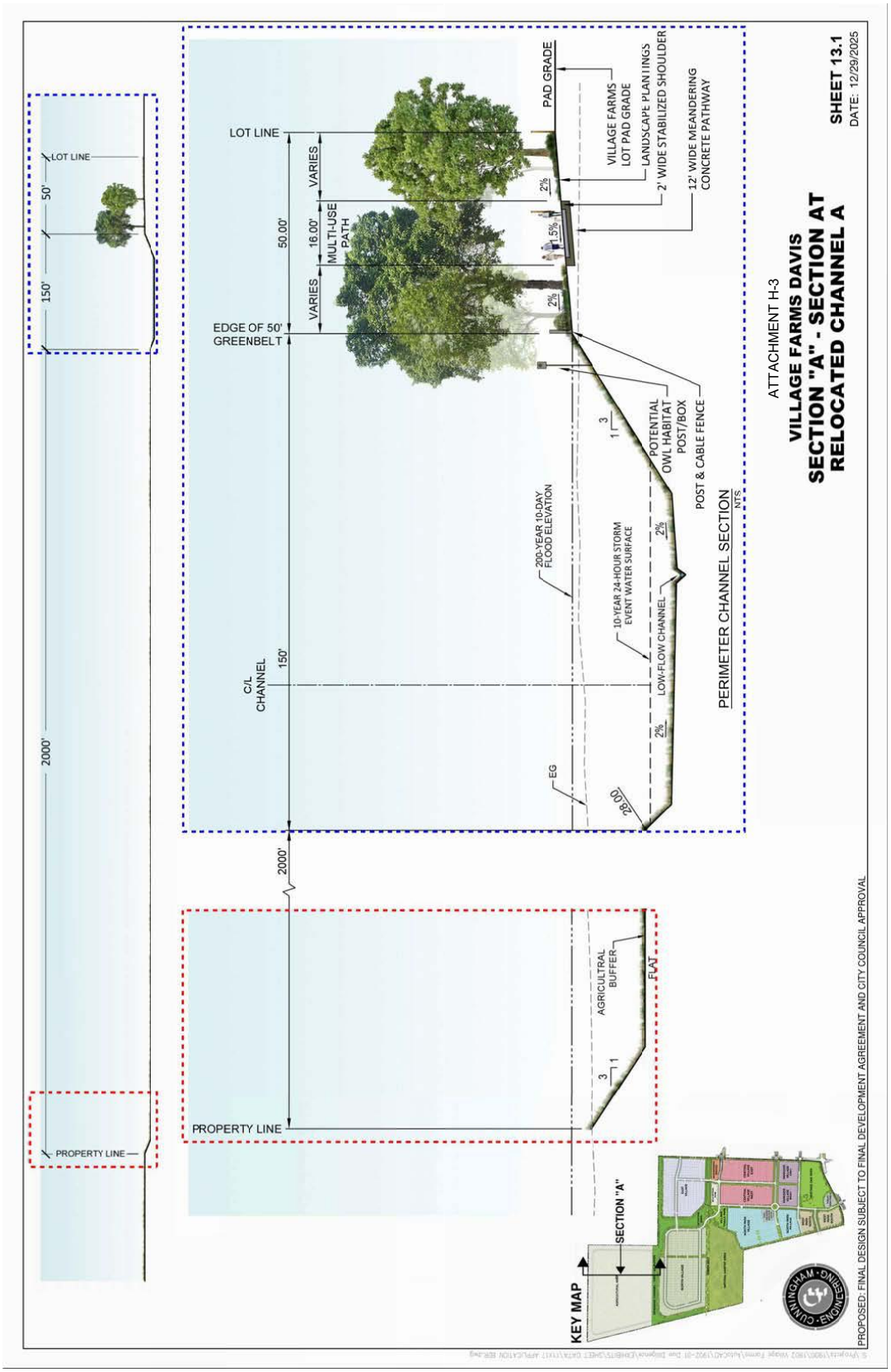
01-20-26 City Council Meeting

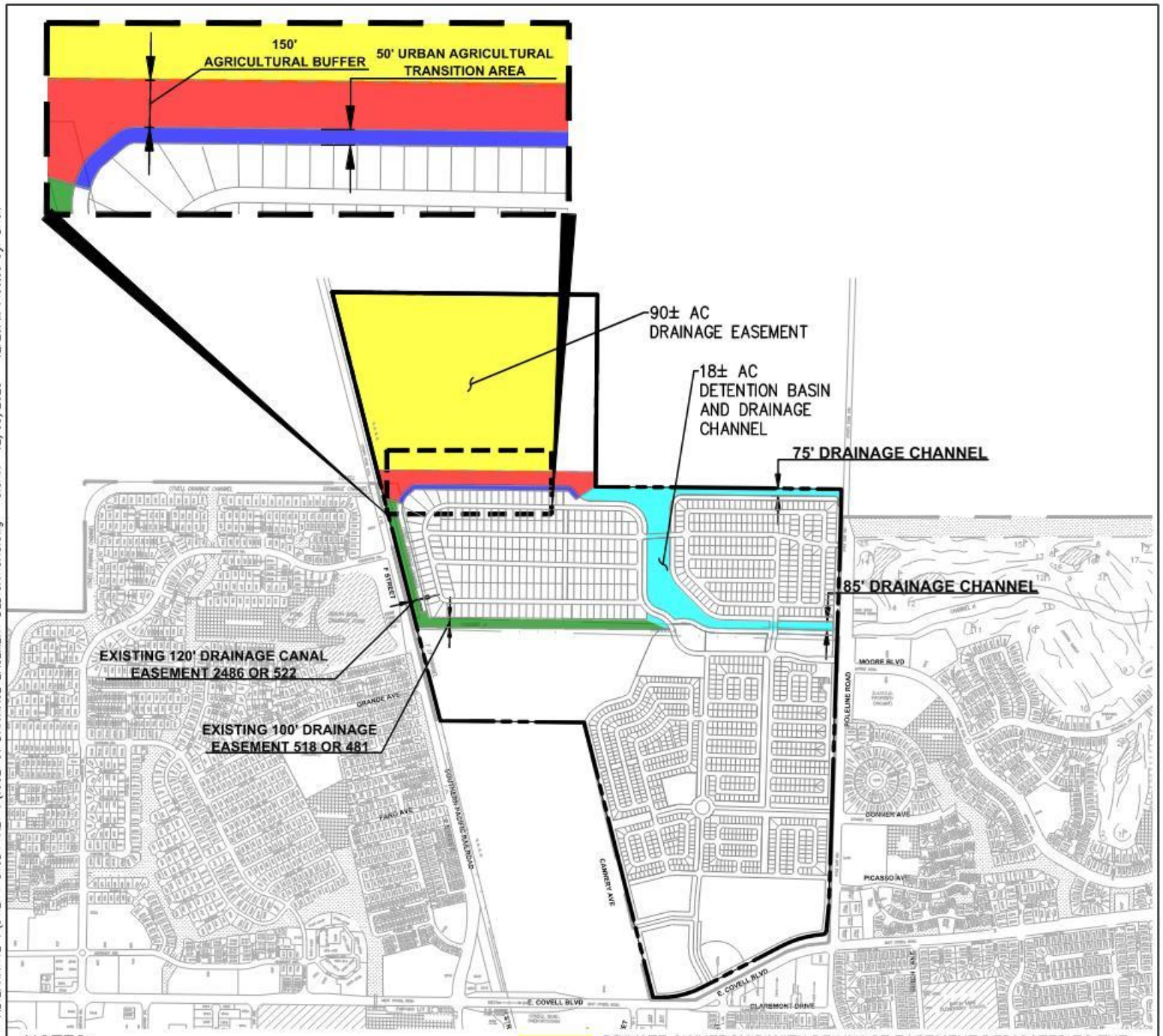
PROPOSED: FINAL DESIGN SUBJECT TO FINAL DEVELOPMENT AGREEMENT AND CITY COUNCIL APPROVAL

S:\Projects\1900\1902 Village Farms\AutoCAD\1902-01 Due Diligence\EXHIBITS - ALTERNATIVE 1\AG MITIGATION-ALT 1\1902-01 AG MITIGATION-ALT 1.dwg - 8.5x11 (3) 10/09/2025 - 12:11PM Plotted by: danieir



ATTACHMENT H-2


ATTACHMENT H-3
VILLAGE FARMS DAVIS
SECTION "A" - SECTION AT
RELOCATED CHANNEL A
SHEET 13.1
DATE: 12/29/2025
PERIMETER CHANNEL SECTION
NTS
LOT LINE
EDGE OF 50' GREENBELT
VARIES
16.00'
MULTI-USE PATH
50.00'
150'
C/L CHANNEL
2000'
PAD GRADE
VILLAGE FARMS LOT PAD GRADE
LANDSCAPE PLANTINGS
2' WIDE STABILIZED SHOULDER
12' WIDE MEANDERING CONCRETE PATHWAY
POTENTIAL OWL HABITAT POST/BOX
POST & CABLE FENCE
200-YEAR 10-DAY FLOOD ELEVATION
10-YEAR 24-HOUR STORM EVENT WATER SURFACE
LOW-FLOW CHANNEL
EG
2%
1.5%
3
1
PROPERTY LINE
AGRICULTRAL BUFFER
FLAT
KEY MAP
SECTION "A"
PROPOSED: FINAL DESIGN SUBJECT TO FINAL DEVELOPMENT AGREEMENT AND CITY COUNCIL APPROVAL



NOTES:

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2. CONCEPTS SHOWN ON THIS EXHIBIT ARE PRELIMINARY IN NATURE AND ARE SUBJECT TO CHANGE BASED ON FINAL DESIGN.
3. FINAL DESIGN TO BE REVIEWED AND APPROVED VIA TENTATIVE SUBDIVISION MAP

PRIVATE OWNERSHIP WITH DRAINAGE EASEMENT DEDICATED TO THE CITY OF DAVIS

EXISTING CITY OF DAVIS DRAINAGE EASEMENT TO BE DEDICATED IN FEE TITLE TO THE CITY OF DAVIS FOR DRAINAGE PURPOSES

PROPOSED DETENTION BASIN & DRAINAGE CHANNEL TO BE DEDICATED IN FEE TITLE TO CITY OF DAVIS FOR DRAINAGE PURPOSES

UATA AG BUFFER TO BE DEDICATED TO CITY OF DAVIS IN FEE TITLE FOR DRAINAGE PURPOSE AS ALLOWED BY THE MUNICIPAL CODE.

UATA AGRICULTURAL TRANSITION AREA WITH PUBLIC SERVICE EASEMENT DEDICATED WITH FIRST FINAL MAP TO BE DEDICATED IN FEE TITLE TO CITY WITH PHASE 3

ATTACHMENT H-4

VILLAGE FARMS DAVIS - BIOLOGICAL RESOURCE PRESERVATION ALTERNATIVE DRAINAGE EASEMENTS

0 750 1,500

SCALE: 1" = 1,500'

DATE: 12/05/2025

PROPOSED: FINAL DESIGN SUBJECT TO FINAL DEVELOPMENT AGREEMENT AND CITY COUNCIL APPROVAL

EXHIBIT I

PARKS, GREENBELTS, AND OPEN SPACE

1. INTRODUCTION

This exhibit outlines the recreational amenities, parks, and greenbelt features that will be developed as part of the Project.

2. TOTAL ACREAGE COMMITMENT

The Project shall, at a minimum, provide parkland pursuant to Section 36.08.040 of the Davis Municipal Code plus 40+/- acres of neighborhood greenbelts throughout the development. The exact acreage and location of the parks will be considered with the Comprehensive Parks Plan and finalized with the Master Tentative Subdivision Map. The exact acreages and location of the greenbelts will be finalized with the Small Lot Subdivision Map. The parks will be allocated as follows:

- Up to 20 acres for a Community Park
- No less than 3 acres for Neighborhood Park
- Approximately 40 acres for neighborhood greenbelts

3. CONSTRUCTION OF PARK AND GREEN BELT IMPROVEMENTS

The parks shall be developed with each phase as outlined below:

A. The southern portion of Neighborhood Park, as shown on Exhibit M, shall be completed prior to the 389th building permit.
B. The western portion of Community Park, as shown on Exhibit M, shall be completed prior to the 780th building permit.
C. The eastern portion of the Community Park, as shown on Exhibit M, shall commence prior to the 1167th building permit shall be completed prior to the 1500th building permit.

D. The northern portion of the Neighborhood Park, shown on Exhibit M, shall commence prior to the 1300th building permit and shall be completed before the 1500th building permit.

In addition to the completion triggers described above, each park phase identified above shall be completed within thirty-six months of commencement of construction.

The greenbelt improvements, excluding the Pole Line Road undercrossing and F Street overcrossing, will be constructed as required by the improvement agreements associated with Subsequent Project Approvals. The internal greenbelt improvements adjacent to public rights-of-way will be built concurrently with the roadway improvements. The greenbelt improvements along the project perimeter or adjacent to open space areas will be constructed as adjacent land uses are developed.

4. DEDICATION OF PARK AND GREEN BELT LAND AND IMPROVEMENTS

The City shall impose, as a condition of approval on the Master Tentative Subdivision Map, conditions related to the submission of a Comprehensive Parks Plan to the City and the timing and manner of dedication of land to the City of Neighborhood and Community Park parcels. The City shall accept the dedication of the land subject to any conditions described in the Master Tentative Subdivision Map and any improvement agreements associated with Subsequent Project Approvals. Prior to acceptance of each of the parks or phased greenbelt improvements, the Developer shall cooperate with the City to establish a financial mechanism (e.g., landscape and lighting district or a community facilities district), described in further detail in Exhibit L, to fund the ongoing operating, maintenance and repair of the improvements being dedicated. Upon acceptance, the City shall assume responsibility for the operation, maintenance and repair of the dedicated land and improvements.

5. QUIMBY FEES

The Project satisfies the parkland dedication requirement under the Davis Municipal Code with a parkland dedication in an amount equal to 23.4 acres of land. Any parkland dedicated and accepted by the City in excess of the 23.4 acres of land may be eligible for credits and reimbursements. See Exhibit P for additional information.

6. PARKS PROGRAMING

The Comprehensive Parks Plan will include preliminary engineering drawings, additional implementation information, cost estimates, and proposed park improvements for both parks. The Comprehensive Parks Plan shall be developed in accordance with the City's 2025 Parks Needs Assessment and other City requirements. The Developer's proposed programming will complement existing City recreational offerings; address identified community recreational needs; provide opportunities for inter-generational activities; provide lit play fields; and include features such as, playgrounds, restroom facilities, lawn/green space, picnic areas/seating, barbeque grills, athletic fields, basic shade structures, pathways, general park lighting, etc.

Turf will be utilized only in areas programmed for activities typically associated with turf, for example, on play areas and sports fields in proposed parks consistent with State and City of Davis requirements.

7. GREENBELT SPECIFICATIONS

The Developer shall construct the greenbelt improvements in a manner substantially consistent with the typical cross-sections provided in Addendum A to the Project Description for the Biological Resources Preservation Alternative, which are incorporated herein by reference. The Developer shall submit preliminary drawings, detailed cross-sections, and acreage calculations for City feedback for each phase of the Project before submitting any Small Lot Subdivision Map application to the City.

EXHIBIT J

URBAN FOREST

This exhibit applies to City-owned trees within the Project except the Northern Agricultural Area. This exhibit will also apply to the Natural Habitat Area if the City is designated as the permanent owner. For the purposes of this exhibit, "Public Portions" of the Project shall mean the parkway strips, parks, greenbelts, drainage channels, drainage basins and any other areas that are owned and maintained by the City.

1. TREES AND WATER CONSERVATION

To reduce Project demand on groundwater and potable water the Developer commits to the following measure within the Public Portions of the Project: The tree palette will include a broad spectrum of native and other "climate ready" plants in conformance with the City of Davis' Climate Ready Tree Lists and other applicable Municipal Codes and landscape standards, as it may be amended from time to time. at the time of the approval of the tentative map(s) for each Phase of the project.

2. TREE COMMITMENTS

A. The Project shall be subject to the requirements of Chapter 37 of the Davis Municipal Code, as it may be amended from time to time, regarding the removal of trees in a discretionary project and mitigation for the loss of private/protected trees.

B. The Developer shall commit to providing the City with an arborist report, as defined in Chapter 37 of the Municipal Code, prior to the City issuing a grading permit for any earthwork occurring on the Property. The Developer shall commit to preserving the majority of the existing healthy trees identified in the arborist report.

C. The Project will include the planting of up to 4,000 new trees, including native and other "climate ready" trees in conformance with the City of Davis' Climate Ready Tree Lists and other applicable Municipal Codes and landscape standards, as it may be amended from time to time.

D. Trees, solar panels, and/or shade structures shall provide shading of paved pedestrian walkways and off-street Class I bike paths as required by City's Municipal Code, Chapters 8, 37 and 40 and consistent with the Davis Solar Shade Control Act, in effect at the time of the tentative subdivision map and/or building permit issuance.

E. The Developer shall hire a qualified arborist and/or landscape architect to design the Public Portions of the Project. The Developer will, during the design process, consult with the City's Urban Forest Manager for guidance on the selection and management of trees within the Public Portions of the Project.

F. Project will utilize best practices for tree planting and root establishment, specifically when planting adjacent to hardscape surfaces, consistent with appropriate City standards and Urban Forest Management Plan Implementation Plan goals and action items, in effect at the time of the tentative subdivision map and/or building permit issuance.

3. OWNERSHIP AND MAINTENANCE

All trees within the Public Portions of the Project will be owned and maintained by the City. Developer shall retain ownership and maintenance responsibilities for the Project's trees for two years from the date of installation. Upon the conclusion of this timeframe, the City shall assume ownership and maintenance obligations for the trees within the Public Portions of the Project, provided that the design, maintenance, and care of the trees are consistent with the conditions of approval and that the necessary financial mechanisms for their maintenance and care are in place and collecting funds.

4. FUNDING FOR MAINTENANCE

The Developer shall contribute to formation of landscape maintenance mechanism more fully described in Exhibit L.

EXHIBIT K

PUBLIC PROPERTY AND RIGHT-OF-WAY LANDSCAPE

This exhibit applies to all public property and rights-of-way within the Project except the Parks, Natural Habitat Area and the Northern Agricultural Area. For the purposes of this exhibit, "Public Portions" of the Project shall mean the parkway strips, greenbelts, drainage channels, drainage basins, and any other areas that are owned and maintained by the City, unless otherwise excluded in this exhibit.

1. PUBLIC RIGHT OF WAY LANDSCAPING, WATER CONSERVATION

To reduce Project demand on groundwater and potable water the Developer commits to the following measures within the Public Portions of the Project:

- The plant palette will include a broad spectrum of native and other "climate ready" plants in conformance with the City of Davis' Climate Ready Tree Lists and other applicable Municipal Codes and landscape standards.
- Low Impact Development (LID) measures will be implemented throughout the development as required by the City's National Pollutant Discharge Elimination System (NPDES) permit. LID measures will include volume-based best management practices (BMPs) such as bioretention cells, infiltration gardens and/or pervious pavements and flow-based treatment BMPs such as vegetated swales, stormwater planters and/or mechanical treatment devices as deemed appropriate to adequately treat runoff. All treatment measures will be designed in accordance with the recommendations of the CASQA BMP Handbook and the City of Davis Storm Water Standards, current at the time of the approval of the tentative subdivision maps.

2. OWNERSHIP AND MAINTENANCE

All landscape improvements, including but not limited to plant materials, mulch,

automatic irrigation systems, etc., within the Public Portions of the Project will be owned and maintained by the City. The Developer shall retain ownership and maintenance responsibilities for the Project's landscape improvements for two years from the date of installation. Upon the conclusion of this timeframe, the City shall assume ownership and maintenance obligations for the landscape improvements within the Public Portions of the Project, provided that the design, maintenance, and care of the landscape improvements are consistent with the conditions of approval and that the necessary financial mechanisms for their maintenance and care are in place and collecting funds.

3. FUNDING FOR MAINTENANCE

The Developer shall contribute to formation of a funding mechanism for landscape maintenance more fully described in Exhibit L through a combination of sources potentially including, but not limited to, a landscape and lighting district, community facilities district, and/or other mutually agreed upon funding mechanisms.

EXHIBIT L

IMPACT FEES, FEE CREDITS, AND MUNICIPAL FINANCING MECHANISMS

1. ANTICIPATED NEXUS AND DEVELOPMENT IMPACT FEE STUDIES

The Developer's fair share allocation for transportation-related improvements shall be determined primarily by the anticipated focused district-specific nexus and fee study that will be prepared for the Village Farms Project and Willowgrove Project ("Anticipated Nexus Study"), unless otherwise provided in the Agreement. The Developer shall pay the City a one-time sum of one hundred and eleven thousand dollars ($111,000) within twelve months after the Effective Date to pay for its fair share of the Anticipated Nexus Study. The City anticipates completing this study before December 31, 2026.

The City further anticipates updating the remainder of its Citywide Development Impact Fee Program prior to January 31, 2028 (the "Outside Date" as defined by this Agreement). The City agrees not to seek any additional financial contribution from the Developer to assist with this effort with any Subsequent Project Approvals, unless otherwise noted in this Agreement.

2. ROADWAY IMPROVEMENTS

The Developer shall bear the Project's fair share allocation of the cost of the Project's transportation infrastructure improvements, which may be up to 100% for certain improvements, included in the Village Farms Davis Local Transportation Analysis-FINAL transportation study dated March 2025 ("LTA"). If the Anticipated Nexus Study has not been completed by the time the Developer is ready to start construction on any of the improvements contemplated herein, the Developer's fair share allocation shall be as set forth in Attachment L-1 for that improvement.

Notwithstanding the preceding paragraphs, the Developer shall solely bear the cost of the following Project's roadway infrastructure improvements and related activities, as included in the Village Farms EIR. These costs are not eligible for Fee Credits or reimbursement:

A. Mitigation Measure 4.13-2(a)

   Prepare and submit a focused traffic study to address the phasing of the Project.

B. Mitigation Measure 4.13-2(b)

   Construct pedestrian and bicycle safety intersection modifications at the East Covell Boulevard/Pole Line Road intersection. Additional modifications beyond those outlined in Mitigation Measure 4.13-2(b) for these intersections shall be eligible for fee credits or reimbursement pursuant to a future nexus study or Attachment L-1.

The City expects that the results of the Anticipated Nexus Study, a study that will be concluded after the Effective Date of this Agreement, may provide sufficient information to satisfy the requirement of Mitigation Measure 4.13-2(a). However, if it does not, the obligations described above remain.

In addition, the Developer shall construct all the frontage and road improvements to address Project-related adverse effects on peak hour traffic operations, and all the vehicular improvements to provide access to and from the Project as more fully described as part of the Existing Plus Project Conditions in the LTA. These costs are not eligible for Fee Credits or reimbursement, except to the extent that the City has collected fees or payments for these physical improvements from previous development projects, in which event the City will provide reimbursement based on the Developer's proportionate share, and only to the extent fees have been allocated to the specific improvements constructed.

3. DEDICATION REQUIREMENT

The Developer shall dedicate the necessary land in fee title to the City for all future transportation rights-of-way required to serve the Property and shall not receive Fee Credit or reimbursement for the value of the land being dedicated. The timing of dedication shall be as provided in Subsequent Project Approvals.

4. BIKE AND PEDESTRIAN MOBILITY

Notwithstanding the preceding paragraphs, the Developer shall solely bear the cost of the following Project's bicycle and pedestrian infrastructure improvements and related activities, as included in the Village Farms EIR. These costs are not eligible for Fee Credits or reimbursement, except to the extent the City has collected fees or payments for these improvements from previous development projects and allocated such fees towards said improvements, in which event the City will provide reimbursement based on the Developer's proportionate share and only to the extent fees have been collected and allocated to the specific improvement.

A. Mitigation Measure 4.13(c)

   Install bicycle and pedestrian crossing improvements at the East Covell Boulevard/Birch Lane intersection.

B. Mitigation Measure 4.13-2(d)

   Install bicycle and pedestrian crossing improvements at the East Covell Boulevard/Birch Lane intersection.

C. Mitigation Measure 4.13-2(e)

   Install bicycle and pedestrian crossing improvements at the Cannery Loop elbow crossing.

D. Mitigation Measure 4.13-2(f)

Install bicycle and pedestrian crossing improvements at Oak Tree Plaza driveway intersections with the East Covell Boulevard shared-use path.

E. Mitigation Measure 4.13-2(g)

Install a Class III bike route on Birch Lane between East Covell Boulevard and Pole Line Road.

5. POLE LINE ROAD UNDERCROSSING

The Developer shall dedicate fee title for the eastern land and entry improvements, and easements for slope improvements on the Property for the bicycle and pedestrian grade-separated undercrossing of Pole Line Road near Moore Blvd to the City ("Pole Line Road Undercrossing"). The Developer shall not receive Fee Credit or reimbursement for the value of the land and real property rights being dedicated.

The Developer shall bear the full cost of preparing the preliminary design to complete construction drawings and shall not receive Fee Credit or reimbursement for their value. In addition to the City's standard improvement plan approval process, the Developer shall deliver the preliminary design plans for the City to review and approve these materials when they are at 15%, 30%, and 60% of completion. The Developer shall be responsible for completing project-level environment clearance. The Developer shall reimburse all staff costs of reviewing these materials, and the City shall own the 100% construction drawings upon completion.

The Developer shall construct the Pole Line Road Undercrossing and dedicate it to the City. Developer shall be entitled to receive Fee Credits as applicable or reimbursements for the value of the undercrossing improvements that are above and beyond the Project's fair share cost as determined by the Anticipated Nexus Study or any other future nexus fee study to be conducted by the City. If the nexus and fee studies contemplating this

improvement have not been completed by the time the Developer has completed Phase 0 of the Project and is ready to commence construction on Project Phase for which the Pole Line Road Undercrossing is planned, as shown Exhibit M, then the Developer shall execute the City's standard reimbursement agreement, which may be incorporated into any improvement agreements associated with Subsequent Project Approvals. In this scenario and provided that the Developer has submitted an engineering estimate of the improvement's cost and the City has reviewed and approved, at a minimum, the 60% designs for the undercrossing, the City agrees that Developer shall be entitled to receive reimbursement of 80% of the cost of constructing the undercrossing improvement.

6. F STREET OVERCROSSING

The Developer shall dedicate fee title for the eastern land and entry improvements, and an easement for slope improvements for the bicycle and pedestrian grade-separated overcrossing of F Street and the freight railroad line paralleling F Street to the City ("F Street Overcrossing"). The Developer shall not receive Fee Credits or reimbursement for the value of the land and real property rights being dedicated. Any expense incurred to acquire real property rights for the F Street overcrossing shall be included in the total cost of constructing the improvement for the purposes of calculating fee credits and/or reimbursement owed to the Developer.

The Developer shall bear the up-front cost of preparing the preliminary design to complete construction drawings. The City commits to provide Fee Credits or reimbursements for 50% of the value of these materials against roadway or traffic development impact fees due from the Project, provided that the 100% construction drawings are delivered within five (5) years of the Effective Date of this Agreement so that the City may pursue grant funds for the construction of the overcrossing. The precise manner of allocating Fee Credits shall be provided in conditions or improvement agreements associated with Subsequent Project Approvals. In addition to the City's standard improvement plan approval process, the Developer shall deliver the preliminary design plans for the City to review and approve these materials at 15%, 30%, and 60% of

completion. The Developer shall reimburse the City for all staff costs of reviewing these materials. The City shall own the 100% construction drawings upon completion.

Subject to the railroad's approval, the Developer agrees to construct the F Street overcrossing at its cost. Notwithstanding the foregoing, if the City is successful in securing any grant funding for the construction of the overcrossing, the City and Developer may meet in good faith to negotiate for the construction and funding of the overcrossing. To the extent Developer constructs the overcrossing, Developer shall be entitled to receive fee credits or reimbursements for the value of the overcrossing improvements that are above and beyond the Project's fair share cost as determined by the Anticipated Nexus Study or any other future nexus fee study to be conducted by the City.

If the nexus and fee studies contemplating this improvement have not been completed by the time the Developer is ready to commence construction on Project Phase 3 in which the F Street Overcrossing is planned, as shown Exhibit M, then the Developer shall execute the City's standard Fee Reimbursement Agreement, which may be incorporated into any improvement agreements associated with Subsequent Project Approvals. The parties agree to negotiate and memorialize the Project's exact fair-share cost of the overcrossing improvement at this time, provided that the Developer has submitted an engineering estimate of the improvement's cost and the City has reviewed and approved, at a minimum, the 60% designs for the overcrossing and either Party has received the railroad's consent. The City hereby commits that under these specific circumstances, the Developer will be entitled to seek reimbursement of 80% of the cost of constructing the undercrossing improvement.

7. <u>TRANSIT</u>

The Developer shall propose a financial mechanism (acceptable to the City) to provide future membership and funding in perpetuity to Yolo Commute. The Developer shall solely bear the cost of preparing and implementing this financial mechanism. The Developer shall reimburse all staff costs of reviewing these materials, which shall not be credited against

any reimbursement owed to the Developer.

The Developer shall solely bear the cost of developing a Transit Service and Facilities Plan (TSF Plan) as described in Mitigation Measure 4.13-3(b) in the Village Farms EIR. The TSF plan shall be led either by Unitrans and Yolobus, or by the City with Unitrans and Yolobus participating as active project partners. The City shall review and approve the TSF Plan, and the Developer shall reimburse all staff costs associated with its processing, which shall not be credited against any reimbursement owed to the Developer.

To further implement Mitigation Measure 3.13-3(b), the Developer shall establish an appropriate funding mechanism to fund transit service and facilities improvements to adhere to Unitrans and Yolobus policies related to unmet transit needs, transit service warrants, and performance standards prior to commencing construction on Phase 1, 2 or 3 as shown in Exhibit M. The Developer shall cover all costs of preparing and implementing this funding mechanism. The funding mechanism shall provide funding for capital costs and on-going operation of transit services. On-going annual fees would be identified and paid by the Developer or the residents to fund necessary transit service and facility improvements. Fees would be assessed on all future project land uses that generate an increased demand for transit services, including residential, commercial, civic, and recreation land uses. The project's funding contributions allocated through the funding mechanism shall be limited to improvements and/or portions of improvements that are attributable to the project's contributions to deficient transit service and/or operations. The Developer shall reimburse all staff costs of reviewing these materials, which shall not be credited against any reimbursement owed to the Developer.

The Developer shall construct at its sole cost the bus shelter described in the Village Farms EIR Project Description (page 3-15) along the north side of Covell Boulevard west of the intersection of L street, pursuant to applicable City standards and specifications.

8. AGRICULTURAL LAND, OPEN SPACE AND HABITAT

The Developer shall solely bear the cost to construct landscaping and trail improvements, in both the 50-foot-wide and 150-foot-wide portions of the UATA as further described in Exhibit H of this Agreement. The Developer shall dedicate the improvements and fee title of the UATA parcel to the City. The Developer shall not receive credit or reimbursement for the value of the real property rights being dedicated.

The Developer shall solely bear all costs associated with establishing a permanent preserve (the "Preserve") covering the approximately 47.1-acre alkali playa/alkali wetland area shown on Attachment N-1 of this Agreement. The Preserve will be established through the recordation of a habitat conservation easement, deed restriction, or similar habitat protection mechanism (the "Site Protection Instrument"). Developer shall establish, concurrent with the recordation of the Site Protection Instrument, an appropriate funding mechanism (e.g., Community Facilities District, endowment, or other mechanism determined acceptable by the City), to fund the long-term management of the Preserve, and monitoring of compliance with the requirements of the conservation easement, in perpetuity. The Developer shall solely bear the costs of preparing and implementing this funding mechanism. The Developer shall reimburse all staff costs of reviewing these materials, which shall not be credited against any reimbursement owed to the Developer.

The Developer shall solely bear the cost of preparing and implementing the detailed soil restoration plan, topsoil management plan, and farm plan described further in Exhibit H of this Agreement to assure that the Northern Agricultural Area will be restored to an allowed agricultural use. The Developer shall reimburse all staff costs of reviewing these materials, which shall not be credited against any reimbursement owed to the Developer.

At the conclusion of a 5-year period following the deposition of the stockpiled topsoil back to the borrow pit, and implementation of the associated Farm Plan, the City shall retain the services of a qualified agricultural consultant to conduct an assessment to verify as to whether the Northern Agricultural Area is operating as viable agricultural

land as defined in Chapter 40A. At the City's written request at the conclusion of these 5 years, the Developer shall enter into a reimbursement agreement with the City to cover 100% of the staff and consultant costs associated with this assessment.

The Developer shall solely bear the cost of constructing fencing and any other improvements appurtenant to the Preserve Area. These improvements are not considered oversizing for the purposes of this Agreement. The Developer shall not receive credit or reimbursement for the value of these improvements. If the City is required to accept the land as a requirement of the permitting process, this is not considered an oversizing for the purpose of this Agreement and is therefore not eligible for reimbursement.

9. CITY RIGHT OF ACCESS

Developer agrees to convey an easement, subject to approval by the City Attorney, to ensure continued City access to each monitoring well within the Project Area for the purpose of installing, constructing, operating, maintaining, improving, repairing, or removing and replacing any equipment or facilities at those sites.

10. PARKS AND RECREATION

The Developer shall dedicate in fee title parkland that meets or exceeds what is required by Section 36.08.040 of the Davis Municipal Code. These acres are dedicated in lieu of payment of the Project's applicable "park in-lieu" or "Quimby fees," as described in Section 36.08.040(e). The Developer shall not receive credit for reimbursement for the value of the land being dedicated to satisfy the applicable Quimby fees, which is approximately 23 acres. Any land dedicated in excess of the Project's obligation under the Quimby Act may be eligible for Fee Credits or reimbursement pursuant to applicable City ordinances and fee programs.

The Developer shall bear the up-front cost of preparing the comprehensive parks plan and final design for both the Neighborhood-serving and Community-serving parks, further described in Exhibit I of this Agreement. The Developer shall reimburse all staff costs of reviewing these materials, which shall not be credited against any reimbursement owed to

the Developer. The Developer shall receive credit or reimbursement for 50% of the value of these materials from eligible sources, including future impact fees collected.

The Developer shall construct the park improvements at Developer's cost; however, the Developer shall be eligible for Fee Credits or reimbursement for the construction of park improvements for up to 100% of all eligible costs pursuant to applicable City ordinances and fee programs. The manner of allocating Fee Credits or determining reimbursement will be provided in the respective Tentative Map conditions and subdivision improvement agreements applicable to Subsequent Project Approvals.

The Parties agree to negotiate and memorialize the Project's exact fair-share cost of the Parks improvement with Subsequent Project Approvals, provided that the Developer has submitted an engineering estimate for the cost of the park improvements and the City has reviewed and approved the comprehensive parks plan and preliminary design (i.e. 30% construction drawings) for both the Neighborhood-serving and Community-serving parks at the time of Tentative Map application.

11. MUNICIPAL FACILITIES

The Developer shall construct and convey fee title to all detention ponds and channels and shall convey any associated access easement for the ponds to the City. The Developer shall not receive credit or reimbursement for the value of these real property rights being dedicated.

The Developer shall not receive credit or reimbursement for the value of any other municipal utility easement it conveys to the City.

The Developer shall dedicate 2.5 acres to the City for public/semi-public uses (the "PSP Parcel"). The Developer shall receive Fee Credits or reimbursement for the appraised fair market value of the PSP Parcel at the time of the dedication from applicable future nexus or fee studies to be conducted by the City and sections of the City's Municipal Code. The City will prepare the appraisal and submit it to the Developer for review and approval which will not be unreasonably withheld. It will be deemed approved within 30 days of submittal to the Developer unless the Developer notifies the City Manager of a desire to

meet and confer regarding the appraisal. The parties will then identify next steps, which may include retaining another appraiser or entering into an agreement regarding the valuation of the property.

The City's expenses incurred to determine and confirm the appraised fair market value will be deducted from any Fee Credits or reimbursement owed to the Developer, as permitted by City ordinances and fee programs.

12. WET UTILITIES

The Developer shall bear the Project's fair share allocation of the cost of the Project's wet utility infrastructure improvements. The City will complete a study identifying system improvements for wet utilities necessary for the Project and other approved projects. The results of the study will determine fair share apportionment, which may be 100% depending on the necessary improvements or number of approved projects. The study will be completed by January 31, 2028.

13. ONGOING MAINTENANCE AND OPERATIONS FINANCING MECHANISMS

Pursuant to the sequencing and triggers described in any future improvement agreements associated with Subsequent Project Approvals, the Developer shall establish financial mechanisms (e.g., landscape and lighting district, community facilities districts, or other mechanisms determined acceptable by the City) to fund the ongoing operating, maintenance, and repair of all land and improvements being dedicated in fee to the City, unless other mechanisms for these purposes have been identified explicitly in other parts of this Agreement or are otherwise addressed with the payment of enterprise fund rates, such as water, sewer or storm drainage

Attachment L-1

Village Farms Davis – Infrastructure Cost-Share Projects
Date: 11/19/2025; rev1 11/23/2025; rev2 12/21/2025; rev3 12/23/2025

#	Infrastructure Project	Reasoning/Justification	Share %	Fair Share Calc	Proposed VFD Fair Share	City Share/Prior Contribution
1	F Street Overcrossing	City of Davis Bike Loop/1987 General Plan	City Population vs VFD added Population (4,626/69,000)	6.70%	20%	80%
2	Poleline Undercrossing	City of Davis Bike Loop/1987 General Plan	City Population vs VFD added Population (4,626/69,000)	6.70%	20%	80%
3	Public/Semi-Public Land Dedication		In Kind to costs of ultimate development on site		Appraised valuation of land at time of dedication	
4	Poleline/Covell TS	Covell Corridor Plan	Traffic Count project vs cumulative (VFD = 50.8%)		50%	50%
5	Covell Corridor Signal Optimization	Covell Corridor Plan	Traffic Count project vs cumulative (VFD = 36.2%)		40%	60%
6	Covell Blvd. Frontage Improvements	Covell Corridor Plan	Impact Fees and Community Enhancement Fund Contribution			$351,300
7	Poleline Road Frontage Improvements	Covell Corridor Plan	Impact Fees and Community Enhancement Fund Contribution			$426,600
8	Poleline/Picasso TS	Covell Corridor Plan	Traffic Count project vs cumulative (VFD = 80.0%)		80%	20%
9	Poleline/Donner TS	Traffic Study Traffic Impact Allocation	Traffic Count project vs cumulative (VFD = 73.6%)		75%	25%
10	Poleline/Moore RAB	Traffic Study Traffic Impact Allocation	Traffic Count project vs cumulative (VFD = 66.0%)		75%	25%
11	Birch Lane Safe Routes to Schools	Covell Corridor Plan	Impact Fees and Community Enhancement Fund Contribution (VFD =37.2%)			$43,200
12	Up Sizing Wet Utilities	Incremental Upsizing	400 LF of 10-in diameter pipe on 2nd St near Cantrill (UPRR) with 12-in diameter		25%	75%
13	Up Sizing Wet Utilities	Incremental Upsizing	600 LF of 10-in diameter pipe on 5th St near Pole Line Rd with 12-16-in diameter		25%	75%
14	Up Sizing Wet Utilities	Incremental Upsizing	600 LF of 8-10-in diameter pipe on Alvarado Ave/Anderson Rd with 12-14-in diameter near W Covell Blvd		25%	75%
15	Up Sizing Wet Utilities	Incremental Upsizing	200 LF of 10-in diameter pipe on Chiles Rd near Well 32 with 12-in diameter		25%	75%

EXHIBIT M

PHASING PLAN

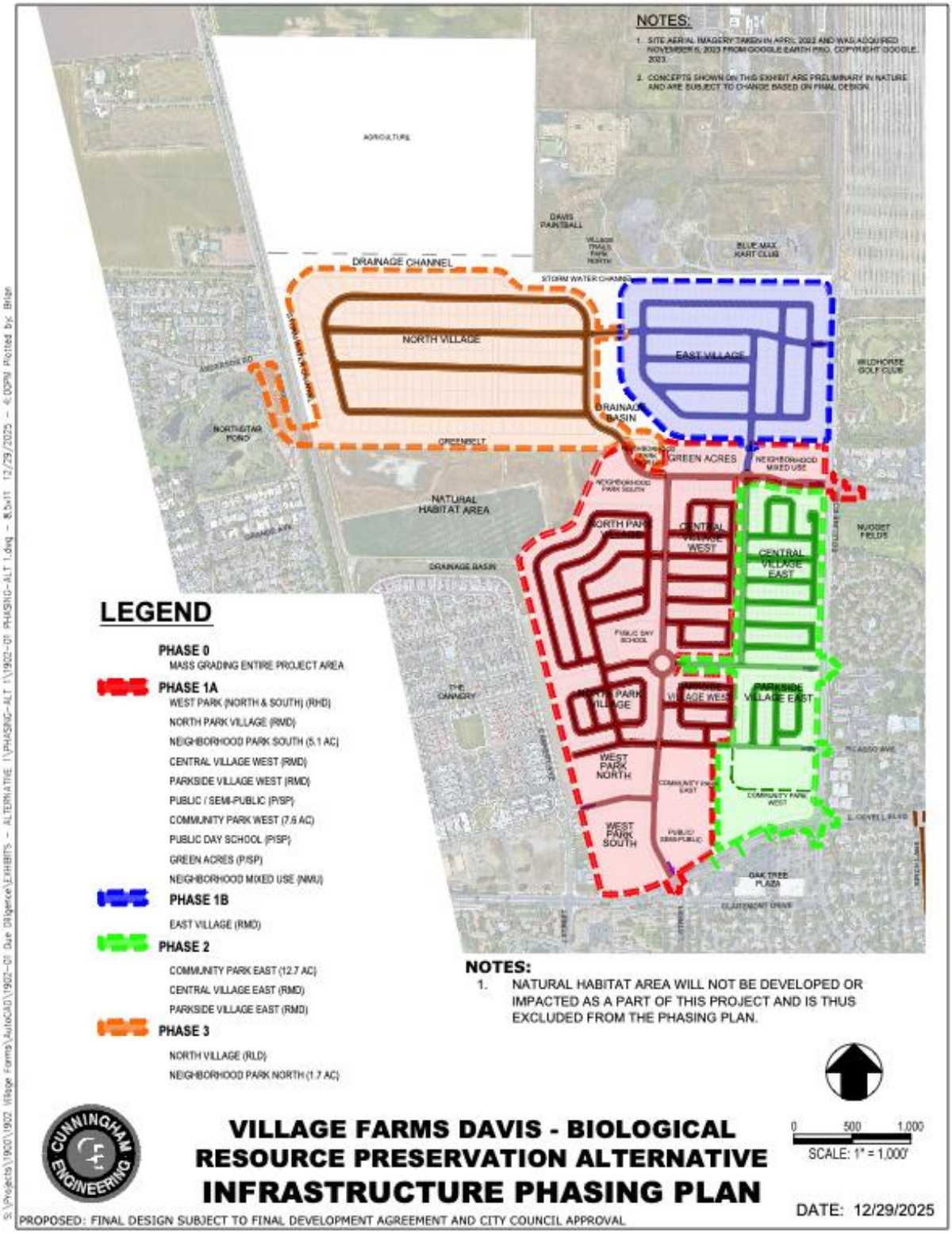

EXHIBIT N

WETLANDS

Developer will establish a permanent preserve (the "Preserve") covering the approximately 47.1-acre alkali playa/alkali wetland area shown on Attachment O-1 (the "Preservation Area"). The Preservation Area will be established through the recordation against the Preservation Area of a conservation easement, deed restriction or similar habitat protection mechanism complying with the requirements of Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of the Civil Code (the "Conservation Easement").

The Conservation Easement will be recorded in favor of a party qualified to hold conservation easements as set forth in Section 815 *et seq.* of the California Civil Code (the "Easement Holder") and accompanied by a long-term management plan (the "Management Plan") that will require the Preservation Area to be managed in a fashion that protects the long-term viability of the alkali playa/wetland complex that the Preservation Area was established to protect. The Conservation Easement will be recorded in the office of the clerk-recorder for Yolo County as and when required by the agency permits described below.

The Easement Holder will be responsible, in perpetuity, for (i) the management of the Preservation Area as set forth in the Management Plan (which management may be contracted out by the Easement Holder to a professional land manager) and (ii) monitoring compliance with the terms of the Conservation Easement. The Easement Holder's responsibilities will be funded by the Developer through the establishment of an endowment or endowments adequate for that purpose that meet the requirements of, and are held by a third party qualified to hold endowments under, Chapter 4.6 (commencing with Section 65965) of Title 7, Division 1 of the California Government Code. The endowment or endowments will be funded at the time of recordation of the Conservation Easement.

Provided the management of the Preservation Area remains the responsibility of the Easement Holder as described above, the City will accept dedication of fee title to the Preservation Area subject to the terms and conditions of the Conservation Easement, which dedication and acceptance will occur at the time of recordation of the Conservation Easement. The City understands that, because of the environmental sensitivity of the alkali playa/wetland complex, the permitting agencies are unlikely to allow the Preservation Area to be used for active or passive recreational uses.

The Preservation Area may, at the option of Developer, be used as compensatory mitigation for the Project's impacts to sensitive habitat as set forth in permits issued by the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Central Valley Regional Water Quality Control Board or the California Department of Fish and Wildlife. The precise boundaries of the Preservation Area, the terms of the Conservation Easement and the Management Plan, the structure and amount of the endowments, will be established in consultation with the permitting agencies, the Easement Holder, the endowment holder and, as the prospective holder of fee title to the Preservation Area as described above, the City of Davis.

ATTACHEMENT N-1

VILLAGE FARMS DAVIS - BIOLOGICAL RESOURCE PRESERVATION ALTERNATIVE

LAND USE PLAN

EXHIBIT O

COMMUNITY BENEFITS

This Exhibit memorializes the community benefits provided by the Village Farms Davis BRPA project ("Project"). The Project includes a comprehensive set of public benefit commitments that enhance the long-term sustainability, livability, and fiscal health of the City. The following sections summarize the Project's community benefits that go beyond what is required by environmental documents or any existing code, standards, or specifications that may be imposed on the Project as of the Effective Date of this Agreement.

1. SUMMARY OF COMMUNITY BENEFITS

A. DJUSD Land Dedication for a Pre-K Early Learning Center/Educational Farm

B. Building Electrification

C. Sales Tax Place of Sale

D. Excess Storm Water Capacity

2. DETAILED COMMUNITY BENEFIT COMMITMENTS

A. DJUSD Land Dedication for a Pre-K Early Learning Center and for an Educational Farm

The Developer will dedicate approximately 2.4 acres to the Davis Joint Unified School District (DJUSD) for an Early Childhood Education Center or other school program, as governed by a Memorandum of Understanding (MOU) between Developer and DJUSD. The Developer will also dedicate approximately 2.8 acres to the Davis Joint Unified School District (DJUSD) for the purpose of establishing an Educational Farm, which the MOU also governs. This dedicated land must be suitable for construction and meet the California Department of Education school siting criteria. As specified in the MOU, the Developer is obligated to provide utility connections and initial grading for the parcel. Should this offer of dedication and its related agreements not be accepted by DJUSD within ten (10) years, the underlying land may be developed with urban uses in

accordance with the Project Approvals. While the City of Davis is not a party to these agreements, the City retains the ability to withhold any Subsequent Project Approvals if, upon request, the Developer cannot provide evidence of reasonable and good-faith efforts to transfer the land to DJUSD or comply with their obligations in the MOU.

B. <u>All- Electric Buildings</u>

The Developer commits to no use of natural gas for the Project. All buildings will be designated for full electrification. This commitment aligns with the City's adopted Climate Action and Adaptation Plan's goal to transition to high-efficiency, zero-carbon homes and buildings. It implements a voluntary task identified as part of achieving this goal.

C. <u>Sales Tax Place of Sale</u>

To the extent permitted by federal, state, and local law and upon approval of the Project, Developer shall designate the Property as the "Place of Sale" for the purposes of designating the retail sales location and calculating the sales tax obligations. A covenant or other instrument acceptable to the City Manager and City Attorney shall be recorded recognizing this commitment.

D. <u>Excess Stormwater Capacity</u>

To implement comprehensive stormwater management improvements to contain flows to pre-project levels and provide excess stormwater storage capacity available to address regional needs, the Developer shall dedicate a drainage/flood easement across the excavated portions of this area, as generally shown on Attachment H-4, included below.

E. <u>Picasso Road Traffic Calming</u>

The applicant agrees to provide the City with funding up to $100,000 and implement traffic calming measures on Picasso Road. The exact improvements will be described in Subsequent Project Approvals but shall include a combination of speed tables and speed humps. These improvements shall be made prior to the construction of the traffic signal at Picasso and Pole Line, which shall also be provided as a condition of approval on the Phase 2 Tentative Map.

F. Grade-Separated Crossing of Covell Blvd connecting to the Oak Shade Shopping Center and Local Schools

The Developer shall prepare a feasibility study for up to two locations for the grade-separated crossing of Covell Blvd. connecting the Oak Shade Shopping Center and local schools (the "Feasibility Study"). Prior to entering into a contract for the Feasibility Study, the Developer shall provide the scope of work to the City Manager for the City Manager's review and approval, which shall not be unreasonably withheld. The Developer shall provide the scope of work for the Feasibility Study to the City Manager for review and approval with sufficient review time to allow for the scope of work to be presented to the City Council for discussion. The Feasibility Study is a critical assessment of the practicality and viability of the City's construction of a grade-separated crossing over Covell Blvd. The Feasibility Study's scope of work, at minimum, shall evaluate the constraints associated with the crossing location, recommend an overcrossing or undercrossing, and provide a planning-level cost estimate for the design and construction of the crossing, including utility relocation and right-of-way acquisition. This Feasibility Study shall be completed prior to the end of Phase 2 as shown in Exhibit M.

3. IMPLEMENTATION AND MONITORING

The Project's community benefits shall be implemented consistent with the phasing plan set forth in Exhibit M to this Agreement. The Developer shall provide periodic reporting to City staff documenting compliance with community benefit obligations, and work cooperatively with the City to monitor implementation.

RESOLUTION NO. 26-XXX, SERIES 2026

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2026 FOR SUBMISSION TO THE VOTERS A MEASURE TO MODIFY THE LAND USE DESIGNATIONS OF THE VILLAGE FARMS DAVIS PROPERTIES AND ESTABLISHING BASELINE PROJECT FEATURES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Special Municipal Election shall be held on June 2, 2026, to submit a ballot measure for consideration by the voters; and

WHEREAS, the "Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands," codified in Article 41.01 of the Davis Municipal Code, establishes a mechanism for direct citizen participation in decisions affecting a compact urban form, agricultural preservation, and the provision of an adequate supply of housing to meet the ongoing needs of the community; and

WHEREAS, the City Council has approved and determined to submit to the voters a question relating to development of the unincorporated land at the northwest corner of Poleline Road and Covell Boulevard for the purposes of developing the Village Farms Davis project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis does hereby determine, order, and approve as follows:

SECTION 1. Pursuant to California Elections Code Sections 9222 and 10201, the City Council, pursuant to its right and authority, does order submitted to the voters at the Gubernatorial Primary Election to be held on June 2, 2026, the following measure:

MEASURE "(letter to be assigned)"

Shall Resolution xxxx be adopted to amend the Davis General Plan to approve a residential development to include parks and open space areas, by changing the land use designations for the Village Farms Davis properties from Agriculture to Urban Agriculture Transition Area, Residential Low, Medium and High Density, and by establishing the Baseline Project Features?	YES	
	NO	

SECTION 2. The complete text of the proposed measure to be submitted to the voters is attached hereto as Exhibit A.

SECTION 3. The vote requirement for the measure to pass is a majority (50% + 1) of the votes cast.

SECTION 4. The City Clerk is authorized and directed to coordinate with the County of Yolo Elections Office to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. In all particulars not specifically recited in this Resolution, the election shall be held and conducted as provided by law for the holding of municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. The City Attorney is authorized and directed to prepare an impartial analysis of the measure in accordance with section 9280 of the California Elections Code, showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed by the date set for the filing of primary arguments.

SECTION 8. Written arguments for or against the measure may be filed with the City Clerk pursuant to sections 9282 and 9283 of the California Elections Code. Rebuttal arguments may be submitted as provided for in section 9285 of the California Elections Code.

SECTION 9. Pursuant to the provisions set forth in Section 41.01.050 of the Davis Municipal Code, any direct or indirect costs to the City of Davis caused by the election mandated by the “Citizens’ Right to Vote on Future Use of Open Space and Agricultural Lands” shall be borne by the Village Farms Davis applicant.

PASSED AND ADOPTED by the City Council of the City of Davis on this 20th day of January, 2026, by the following vote:

AYES:

NOES:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

RESOLUTION NO. 26-XXX, SERIES 2026

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2026, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Davis called a Special Municipal Election to be held on June 2, 2026, for the purpose of submitting a ballot measure for consideration by the voters; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and that within the city the polling places and election officers of the two elections be the same, and that the Yolo County Elections Office canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, Elections Code section 10002 authorizes the City Council to request by resolution that the Board of Supervisors approve the election consolidation and authorize the County Elections Official to conduct specified election services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis does hereby determine, order, and approve as follows:

SECTION 1. Pursuant to the requirements of §10403 of the California Elections Code, the Board of Supervisors of the County of Yolo is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide Primary Election on Tuesday, June 2, 2026, for the purpose of submitting the following question to the voters:

Shall Resolution xxxx be adopted to amend the Davis General Plan to approve a residential development to include parks and open space areas, by changing the land use designations for the Village Farms Davis properties from Agriculture to Urban Agriculture Transition Area, Residential Low, Medium and High Density, and by establishing the Baseline Project Features?	YES	
	NO	

SECTION 2. Yolo County Elections Office is authorized to take all necessary steps to hold a consolidated election and canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 3. The Board of Supervisors is requested to issue instructions to the County Elections Office to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. The City of Davis shall reimburse the County of Yolo for all costs and expenses incurred by the County in conducting said election upon presentation of a bill to the City.

PASSED AND ADOPTED by the City Council of the City of Davis on this 20th day of January, 2026, by the following vote:

AYES:

NOES:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk