RESOLUTION NO. 07-093, SERIES 2007

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS
ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF
OVERRIDE CONSIDERATIONS; ADOPTING A MITIGATION MONITORING PLAN;
AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE B
AND 3rd STREETS VISIONING PROCESS

WHEREAS, the subject project is known as the “B and 3rd Streets Visioning Process” and
is comprised of 22 properties totaling approximately four acres within the Core Area
Specific Plan boundaries in the City of Davis. The project area fronts on the west side of
B Street, between 2nd Street and 4th Street, and on the north and south sides of 3rd Street,
between University Avenue and B Street. The project area includes the following
Assessor Parcel Numbers (APNs): 70-065-01 through -03, -6, -9, -10 through -14; and
70-073-6 through -17; and

WHEREAS, the project involves modification of permitted uses and site development
parameters within the project area to allow a larger scale of development
encompassing increased densities, increased or decreased floor area ratio, reduced
building setbacks, increased building heights (two and three-story), higher density
residential, and mixed-use development; and

WHEREAS, the Final Environmental Impact Report (SCH #2006012026) consisting of the
Draft EIR (two volumes) and Responses to Comments (one volume) has been prepared
pursuant to the California Environmental Quality Act (CEQA; PRC Section 21000 et seq.)
to analyze the environmental effects of the project; and

WHEREAS, a Notice of Preparation was circulated for a 30-day public review and
comment period commencing January 6, 2006 and concluding February 6, 2006; and

WHEREAS, a public scoping meeting was held January 19, 2006 to receive comments
on the appropriate scope of the EIR; and

WHEREAS, the Draft EIR was circulated for a 50-day public review and comment period
commencing August 28, 2006 and concluding October 13, 2006; and

WHEREAS, the Responses to Comments document was released May 11, 2007
including delivery of responses to all public agencies that commented on the Draft EIR in
satisfaction of CEQA Guidelines Section 15088(b); and

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et.
seq. of Title 14 of the California Code of Regulations (CEQA Guidelines) which govern
the preparation, content, and processing of environmental impact reports, has been fully
implemented in the preparation of the EIR; and
WHEREAS, on May 30, 2007 the Planning Commission held a public hearing to deliberate the project and make a recommendation to the City Council; and

WHEREAS, the City Council has reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

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

WHEREAS, the City Council specifically finds that where more than one reason for approving the project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Council would have made its decision on the basis of any one of those reasons; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davis as follows:

1. Exhibit A (Findings of Fact) and Exhibit C (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 C.
2. Exhibit B 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 attached hereto as Exhibit B (Statement of Overriding Considerations).

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

4. The City Council has considered alternatives to the Project and the City Council hereby rejects all alternatives, and combinations and variations thereof, based on substantial evidence in the record.

5. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.

6. The Mitigation Monitoring Plan attached hereto as Exhibit C (Mitigation Monitoring Plan) is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

7. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.

8. The City Council hereby certifies the FEIR.

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

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

   a) A copy of the FEIR (3 volumes) and CEQA Findings of Fact shall be retained in the project files;

   b) A copy of the FEIR (3 volumes) and CEQA Findings of Fact shall be provided to all CEQA "responsible" agencies.
PASSED AND ADOPTED by the City Council of the City of Davis this twelfth day of June 2007 by the following votes:

AYES: Asmundson, Saylor, Souza

NOES: Heystek

ABSENT: Greenwald

ATTEST:

Ruth Uy Asmundson
Mayor Pro Tem

Margaret Roberts, CMC
City Clerk

Exhibits Attached:

A. CEQA Findings of Fact
B. Statement of Overriding Considerations
C. Final Mitigation Monitoring Plan
B AND 3RD STREETS VISIONING PROCESS

RESOLUTION OF APPROVAL
EXHIBIT A

CEQA FINDINGS OF FACT
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the B AND 3rd STREETS VISIONING PROCESS

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CEQA FINDINGS OF FACT for
the B AND 3RD STREETS VISIONING PROCESS

SECTION A.

INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the B and 3rd Streets Visioning Process. Pursuant to CEQA Guidelines Section 15161, a project-level Environmental Impact Report has been prepared for the B and 3rd Streets Visioning Process project.

The CEQA Statutes (Public Resources Code Sections 21000, et seq.) and Guidelines (Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report ("EIR") must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. When an EIR has been certified which identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rational pursuant to Section 15091 of the CEQA Guidelines, for each identified significant impact:

a) Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. If a project would result in significant environmental impacts, the approving agency must adopt mitigation measures...
to avoid or substantially lessen the impact, and/or determine that any unmitigated significant impacts are acceptable due to overriding concerns.

Only when there are specific economic, legal, social, technological, or other considerations identified that outweigh the unavoidable adverse environmental effects, can a project with unmitigated significant impacts be approved. Section 15093 requires the lead agency to document and substantiate any such determination in "statements of overriding considerations" as a part of the record.

SECTION B.

PROJECT LOCATION

The project area is comprised of 22 properties totaling approximately 4.0 acres within the Core Area Specific Plan boundaries of the City of Davis in Yolo County, California. These properties front on the west side of B Street, between 2nd Street and 4th Street, and on the north and south sides of 3rd Street, between University Avenue and B Street. The project area includes the following Assessor Parcel Numbers (APNs): 70-065-01 through -03, -6, -9, -10 through -14; and 70-073-6 through -17.

PROJECT DESCRIPTION

The project involves modification of permitted uses and site development parameters within the project area to allow a larger scale of development encompassing increased densities, increased or decreased floor area ratio, reduced building setbacks, increased building heights (two- and three-story), higher density residential, and mixed-use development. Optional fourth stories were rejected by the City Council in the final action to approve this project.

The project requires the following discretionary actions: 1) General Plan map amendment; 2) text and map amendment of the Core Area Specific Plan; 3) amendment of the Davis Downtown and Traditional Residential Neighborhood Guidelines; 4) text amendment of Planned Development (PD) 2-86A; 5) rezoning of parcels within PD 2-86A; and 6) various other ordinances and resolutions as may be needed for implementation.

The amendments will allow an increase in development potential. Redevelopment projected to occur under the proposed amendments could result in up to approximately 79 net additional dwelling units (attached units) with 150 net new bedrooms (assuming two bedrooms per unit on average) and 25,770 square feet of new non-residential development (17,800 square feet of office space and 7,970 net new square feet of commercial development). New residential townhouse and condominium projects are
assumed along B Street. New mixed use projects are assumed along 3<sup>rd</sup> Street, at the corners of B Street and 3<sup>rd</sup> Street, and at the corners of B and 2<sup>nd</sup> Streets.

Proposed density bonuses for ownership condominium projects were subsequently eliminated from the adopted project.

Up to 31 existing structures (including 17 principal and 14 accessory buildings) may be demolished including one structure that may be eligible for historic listing (311 B Street) and one listed historic resource assumed to be relocated (232 3<sup>rd</sup> Street) as a part of the project. Potential demolition of one other eligible structure (301 B Street) and one other listed historic resource (337 B Street) is also evaluated in the EIR, but not proposed a part of project approval.

An in-lieu parking fee program is included that could result in the payment of in-lieu fees for up to 72 spaces that would otherwise be triggered under the City's parking requirements, based on the assumed development. In conjunction with approval of the project, application of the in-lieu parking fee program to residential uses was rejected. Application of the in-lieu parking fee program for non-residential uses accompanied by additional parking mitigations could be permitted if considered to provide an equivalent parking plan.

SECTION 15088.5 ANALYSIS

As part of the final approval package for the B and 3<sup>rd</sup> Streets Visioning Process, the City has prepared the following analysis of whether the thresholds for recirculation as identified in Section 15088.5 of the CEQA Guidelines have been triggered:

<table>
<thead>
<tr>
<th>State CEQA Guidelines Section 15088.5</th>
<th>Recirculation of an EIR Prior to Certification</th>
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<tbody>
<tr>
<td>(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.</td>
<td>In the Responses to Comments volume of the EIR the City provides responses to all comments received on the Draft EIR. In preparing these responses the City determined that various clarifications and corrections to the Draft EIR were necessary. These are provided in Chapter 2.0 of the Responses to Comments volume. The Responses to Comments document also contains the proposed regulatory amendments that constitute the project and supplemental information in the form of a proposed alley cross-section, a simulated photo, corrected figures, excerpts from historic magazines that show various architectural types, a draft right-of-way exhibit for the alleys, and a summary of the disposition of various historic resources in the project area. These do not</td>
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constitute significant new information as discussed further below.

Subsequent to the release of the final volume of the EIR, during the course of the public hearing process and in conjunction with the City Council’s action to approve the project, the Council made additional modifications to Mitigation Measures 4.2-2(a) and 4.3-2(a), additional modifications to the project description, corrected additional minor errata found in the Response to Comments document, and made final modifications to the Mitigation Monitoring Plan. These do not constitute significant new information as discussed further below and fall within the authority of the City Council under both the Public Resources Code and the Government Code.

<table>
<thead>
<tr>
<th>As used in this section, the term &quot;information&quot; can include changes in the project or environmental setting as well as additional data or other information.</th>
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<tbody>
<tr>
<td>The information contained in the Responses to Comments document and the subsequent errata contained in these findings of fact do not change the project or the previously documented environmental setting. This information provides additional details or in some cases corrections for minor clerical errors.</td>
</tr>
</tbody>
</table>

The subsequent actions by the City Council to modify two mitigation measures; make changes to the project description; correct additional minor errata in the EIR; and finalize the Mitigation Monitoring Plan were found to be necessary to balance the needs of the neighborhood, avoid environmental impact where feasible, minimize the social effects of the project, and ensure the feasibility of adopted mitigation measures.

<table>
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<tr>
<th>New information added to an EIR is not &quot;significant&quot; unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.</th>
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<tr>
<td>The information contained in the Response to Comments document elaborates on analysis, text, impacts, and/or mitigations already identified in the Draft EIR, and as such the public’s ability to consider and comment on the impact analysis was expanded not reduced. This was validated by the rich discussion and debate that occurred during the subsequent hearing process before the HRMC, Planning Commission, and City Council that lead to subsequent modifications to Mitigation Measures 4.2-2(a), 4.3-2(a), and 4.3-2(b), additional modifications to the project description, additional minor corrections to the Response to Comments document, and additional clarification of the Mitigation Monitoring Plan.</td>
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<table>
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<tr>
<th>&quot;Significant new information* requiring recirculation include, for example, a disclosure showing that:</th>
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<tr>
<td>No new impacts were identified. In the Response to Comments document: a) Impact 4.4-5 was</td>
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City of Woodland
November 2001

SPRING LAKE SPECIFIC PLAN
Findings of Fact

5
(1) **A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.**

| Clarified; b) No new mitigation measures were identified, however 1) Mitigation Measure 4.2-2(a) was reworded to be more clear; 2) Mitigation Measure 4.2-5(a) was expanded; and 3) Mitigation Measures 4.3-9 (a) and (c) were clarified. |
| Subsequent to release of the FEIR, in conjunction with adoption of the project as documented herein, the City Council made the following changes: |
| 1) Revised Mitigation Measure 4.2-2(a) was rejected by the City Council herein as infeasible and revised for adoption as a part of the project. This constitutes a refinement of a mitigation measure, not a new mitigation measure. Resultant unavoidable impacts are consistent with the EIR analysis and do not constitute new impacts. |
| 2) The residual level of impact for Impact 4.2-2 was recognized as remaining significant and unavoidable based on the final wording for Mitigation Measure 4.2-2(a) as approved. This is consistent with the conclusions of the EIR and does not reflect a change in the analysis. |
| 3) Mitigation Measure 4.3-2(a) was revised to be clear about the specific property to which it applies. |
| 4) Mitigation Measure 4.3-3(b) was revised by the City Council to require that the structure at 311 B Street is to be retained on site or relocated to an appropriate site. An attempt to relocate would not be sufficient. This constitutes a refinement of a mitigation measure, not a new mitigation measure. Resultant impacts are consistent with the EIR analysis and do not constitute new impacts. |
| 5) Based on the final wording for Mitigation Measure 4.3-3(b) as approved. The residual level of impact for Impact 4.3-3 with this change was recognized as less than significant. This is consistent with the conclusions of the EIR and does not reflect a change in the analysis. |
| 6) The project was modified during the hearing process to eliminate the optional fourth story, eliminate the incentive of a density bonus for ownership condominium projects, and restrict the application of in-lieu parking to non-residential uses only. |
5) The following additional errata found in the Response to Comments document was corrected:

<table>
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<tr>
<th>Paragraph</th>
<th>Text Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) EIR Text Changes, page 2-1, add entry</td>
<td>correction of page 2-1 of DEIR, 5th paragraph, correct “32” to “31” and correct “18” to “17”</td>
</tr>
<tr>
<td>b) Comments and Responses, page 4-146, under</td>
<td>change “analysis” to “analyses”</td>
</tr>
<tr>
<td>c) Comments and Responses, page 4-168, under</td>
<td>change reference to “7-5” to “8-5”</td>
</tr>
<tr>
<td>d) Index to Responses, page 5-1, add entry</td>
<td>“Historic, Cumulative Impacts 23-22, 24-61”</td>
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6) The Mitigation Monitoring Plan is modified to be consistent with the final actions of the City Council (see Exhibit C of these findings).

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>No information was presented that changed the severity of an impact.</th>
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<tr>
<td>4.2-2(a)</td>
<td>The City Council has determined herein that Mitigation Measure 4.2-2(a) was infeasible as written and revised it to be feasible. As a result Impact 4.2-2 is not fully mitigated, even with implementation of revised Mitigation Measure 4.2-2(a). The severity of the Impact with and without the mitigation, however, is accurately reported in the EIR.</td>
</tr>
<tr>
<td>4.3-2(a)</td>
<td>Mitigation Measure 4.3-2(a) was clarified by the City Council regarding the specific property to which it applies. This has no effect on the severity of the impact.</td>
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<tr>
<td>4.5-3(b)</td>
<td>The City Council has determined herein that with implementation of revised Mitigation Measure 4.3-3(b) as related to the property at 311 B Street, Will mitigate the potential impact to a less than significant level. The severity of the Impact with and without the mitigation, however, is accurately reported in the EIR.</td>
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<td></td>
<td>All other identified mitigation measures from the FEIR were adopted and all impact conclusions remained as reported.</td>
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(3) A feasible project alternative or mitigation measure considerably different from others

<table>
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<th>Mitigation Measure</th>
<th>No new feasible project alternatives or mitigation measures were identified that would lessen</th>
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<td>previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.</td>
<td>impacts. With two exceptions, the City Council has incorporated identified mitigation measures into the project approval. The City determined that revised Mitigation Measure 4.2-2(a) is not feasible as written and, therefore, rejected it. The City Council revised this measure so that it can be feasibly implemented in conjunction with approval of the project, and adopted the final revised language for the measure. As a result, Impact 4.2-2 is not fully mitigated. Overriding findings for this impact are provided in Exhibit B of this findings package. The City determined that implementation of revised Mitigation Measure 4.3-3(b) as related to the property at 311 B Street would reduce potential impacts to a less than significant level.</td>
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<td>(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)</td>
<td>While some clarifications and corrections to the Draft EIR were determined to be appropriate and are proposed by the City, the Draft EIR was determined to be basically sound and adequate, and supported by substantial evidence. As evidenced by the length of the comment period and the number of comments received, the public was provided a reasonable period during which meaningful review and comment occurred.</td>
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<tr>
<td>(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.</td>
<td>As described above and herein, with two exceptions, the subject changes to the EIR clarify, amplify, or make insignificant changes to an adequate EIR and do not trigger the need for recirculation. Mitigation Measure 4.2-2(a) was found by the City Council to be infeasible. The final wording for this measure does not ensure full mitigation of the identified impact, however, the City Council has determined that the benefits of the project override this outcome. Findings in support of the feasibility determination and approval of the project are provided herein.</td>
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<tr>
<td>(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.</td>
<td>Not applicable.</td>
</tr>
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<td>(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.</td>
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<tr>
<td>(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.</td>
<td>The FEIR, this analysis, and these findings of fact are a part of the administrative record and identify the substantial evidence in support of the</td>
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(f) The lead agency shall evaluate and respond to comments as provided in Section 15088. Recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. Following are two ways in which the lead agency may identify the set of comments to which it will respond. This dual approach avoids confusion over whether the lead agency must respond to comments which are duplicates or which are no longer pertinent due to revisions to the EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.

(1) When the EIR is substantially revised and the entire EIR is recirculated, the lead agency may require that reviewers submit new comments and need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either within the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR. The lead agency shall send directly to every agency, person, or organization that commented on the prior draft EIR a notice of the recirculation specifying that new comments must be submitted.

(2) When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency’s request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

(g) When recirculating a revised EIR, either in

determination that recirculation is not triggered.
Not applicable.
The analysis demonstrates that the project, as adopted by the City Council, falls within the scope of the EIR analysis. The analysis supports the findings that: 1) no new significant environmental impact would result from adoption and implementation of the project as modified; and 2) a substantial increase in the severity of an environmental impact, as analyzed in the EIR, would not result from adoption and implementation of the project as modified.

The City Council hereby finds that the potential impacts from the B and 3rd Streets Visioning Process fit within the range of impact analysis contained in the EIR. There are no substantial changes in the project or the circumstances under which the project is being undertaken, that necessitate revisions of the EIR. Nor has new information become available. The analysis demonstrates that the circumstances, impacts, and mitigation requirements identified in the EIR remain applicable to the project, and supports the finding that the project as modified does not raise any new issues and does not cause the levels of impacts identified in the EIR to be exceeded.

The various final clarifications and modifications to the project that are identified in Chapter 2.0 of the Responses to Comment document do not result in any new impacts, nor does it cause the level of significance for any previously identified impacts to change. No new mitigation measures are required, though some rewording and revisions are appropriate. These are identified, along with others, in under Section B (Final Disposition of Mitigation Measures) in Exhibit B. The City Council hereby determines, based on the standards provided in Section 15088.5 of the CEQA Guidelines, that recirculation of the EIR is not required.

PROJECT OBJECTIVES

The project objectives are discussed starting on page 3-11 of the Draft EIR, and repeated below:

In an effort to foster the economic health of the community, the City is seeking to facilitate reinvestment and ownership housing in “special character areas” along B Street and 3rd Street that are located within a portion of the University Avenue/Rice Lane Traditional Residential Neighborhood. The goal is to create a higher density and intensity mixed-use, pedestrian oriented “creative district” where owner occupied housing, live/work uses and low traffic generating creative occupations are encouraged in a manner that is compatible with the neighborhood.
During the Visioning Process a series of objectives were developed and used to evaluate planning alternatives. The evaluation included objectives for successfully responding to the existing physical and policy context, achieving historic and neighborhood preservation, providing ownership housing, providing enough density to make new investment feasible, and attaining sustainable design. New investment in the B Street and 3rd Street area is to be supportive of the following objectives. Achievement of project goals may require a balancing of these objectives:

Context:
- New investment should reflect a balanced approach to accomplishing General Plan infill and preservation policies.
- Development should support economic and urban design objectives for downtown.
- New investment should be compatible with the scale and uses of the neighborhood and Central park.
- Development should improve 3rd Street's pedestrian experience and land use connection between downtown and the university.

Preservation:
- New development should protect and be compatible with existing historic and cultural resources to the extent feasible.
- The character of new investment should be compatible with the neighborhood and downtown.

Ownership Housing:
- New development should provide ownership opportunities while protecting the quality of life for existing homeowners.
- New investment should support economic development objectives for quality ownership housing in the downtown.

Density and Implementation Feasibility:
- Development densities should be sufficient to support reinvestment.
- Development standards and review process should provide incentives for reinvestment that reflect the economic development and urban design objectives for B Street and 3rd Street.

Sustainable Design:
- New investment should demonstrate the City's regional leadership in sustainable design and planning.
- Green building technologies should be included in new development.

SECTION C.
BACKGROUND

The Council initiated the B and 3rd Streets Visioning Process in July of 2004 to establish development criteria for this area that balances community goals and provides specific direction for infill development. The process consisted of two phases.

- Phase I, Policy Development: This first phase of this process involved extensive community outreach involving two public workshops, numerous meetings with neighborhood representatives and property owners, and public review of alternate Vision options. Phase I was completed with the City Council's selection of Vision 4 (April 2005 Visions Summary Report) calling for creation of a new "Special Character Area."

- Phase II, Policy Implementation: This second phase involved the drafting of amendments to planning policies, land use and zoning designations, zoning regulations, and design guidelines intended to strengthen their consistency and clarify the community's goals and objectives for development within the project area consistent with selected Vision 4. The subject project is comprised of the results of this second phase.

HISTORY

The Notice of Preparation for the DEIR was released on January 6, 2006.

A scoping meeting was held January 19, 2006.

The DEIR was distributed on August 22, 2006 for public review and comment for a 45-day period that ran from August 28, 2006 through October 13, 2006.

A meeting of the Historic Resources Management Commission was held September 18, 2006 to receive comments on the DEIR.

A project "Open House" was held September 21, 2006 to answer questions about the project.

A Planning Commission meeting was held October 11, 2006 to receive comments on the DEIR.

A joint Planning Commission and Historic Resources Management Commission meeting was held on May 16, 2007 to tour the Project Area and review the project proposal.

A meeting of the Historic Resources Management Commission was held May 21, 2007 and continued to June 4, 2007 to make a recommendation on the project to the City.
A Planning Commission meeting was held May 30, 2007 to make a recommendation on
the project to the City Council.

On June 12, 2007 the City Council took final action to approve the project and adopt
these findings.

SECTION D.

THE FINAL EIR

The Final EIR for the project includes the following items:

1) Draft EIR (SCH #2006012026), two volumes, dated August 2006.

2) Responses to Comments, one volume, dated May 2007.

3) Actions taken by the City Council, as defined herein, to refine, amplify, or
   further clarify the project description, impacts, and/or mitigation measures;

4) Final Mitigation Monitoring Plan (Exhibit C)

THE RECORD

For the purposes of CEQA and the findings hereinafter set forth, the administrative record
consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of CEQA Guidelines Section 15091(e) the location and
custodian of the documents and other materials which constitute the record of
proceedings upon which these decisions are based is as follows:

Community Development Director
City of Davis
23 Russell Boulevard
Davis, CA 95616
(530) 757-5610
SECTION E.

DISCRETIONARY ACTIONS

The discretionary actions for approval of this project are identified as follows:

- Environmental Assessment #5-06 (Certification of EIR, SCH #2006012026)
- General Plan Amendment #1-06
- Specific Plan Amendment #2-06 (Core Area Specific Plan)
- Rezoning #1-06 (PD 2-86A Amendment)
- Final Planned Development #8-06
- Design Guidelines Amendment

SECTION F.

CONSISTENCY WITH POLICIES, PLANS, AND REGULATIONS

The project as approved, including all adopted conditions and mitigation measures, has been found by the City Council to be consistent with the General Plan and the Zoning Ordinance.

SECTION G.

TERMINOLOGY OF FINDINGS

For purposes of these findings, the term "mitigation measures" shall constitute the "changes or alterations" discussed in the Introduction. The term "avoid or substantially lessen" will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less than significant level. Although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as "potentially significant," these findings will nevertheless account for all such effects if so-identified in the EIR. When an impact remains significant or potentially significant assuming implementation of the mitigation, the findings will identify that impact as "significant and unavoidable."

In the process of adopting mitigation, the City Council has also made a determination regarding whether the mitigation proposed in the EIR is "feasible." Pursuant to the CEQA Guidelines, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In some cases, modifications were made in the DEIR
and to proposed mitigations in the DEIR to update, clarify, streamline, correct, or revise the measure.

In the process of considering the EIR for certification, the Council has recognized that impact avoidance is not possible or feasible in some instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City Council has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section O (Findings on Impacts and Mitigation Measures) below, and in Exhibit B (Statement of Overriding Considerations).

SECTION H.

LEGAL EFFECT OF FINDINGS

Pursuant to Section 15091(d) of the CEQA Guidelines, all adopted mitigation measures shall become binding on future applicants and/or projects as permit conditions, agreements, or other measures.

SECTION I.

MITIGATION MONITORING PLAN

As required by Public Resources Code Section 21081.6, and Sections 15091(d) and 15097 of the CEQA Guidelines, the City, in adopting these findings, also adopts a Mitigation Monitoring Plan (MMP). The monitoring and reporting plan is designed to ensure that, during all phases of the project, the City and any other responsible parties, implement the adopted mitigation measures. This plan is contained in Exhibit C (Mitigation Monitoring Plan).

SECTION J.

PROJECT BENEFITS

The City Council finds that approval of the B and 3rd Streets Visioning Process will result in the following benefits for the City and City residents (in no relative order):

- The project facilitates and provides incentives for reinvestment in the project area.
The project encourages ownership housing. It provides new opportunities for ownership housing on streets that are predominantly rental.

The project encourages sustainable design.

The project provides a balanced approach for accomplishing General Plan infill and preservation policies. It also corrects inconsistencies between the Core Area Specific Plan and the Traditional Neighborhood and Downtown Design Guidelines.

The project strengthens the connection between downtown and the university.

The project will enhance the vitality of downtown.

The project will result in redevelopment that frames and activates the area bordering Central Park.

The project improves the pedestrian experience, especially along 3rd Street.

The project provides protections for existing homeowners both within and outside of the project area.

The project will allow for a mix of high quality housing to meet community needs.

The project satisfies the City Council’s desire to create a higher density, mixed-use “urban village” in the area.

The project will promote economic development in the area.

The project will result in up to 79 net new residential units, 17,800 net new square feet of office space, and 25,770 net new square feet of commercial space.

The project will result in opportunities for new retail and office space to provide employment opportunities for local residents, and goods and services to local residents and businesses.

SECTION K.

FINDINGS ON ALTERNATIVES

CEQA (Section 15126.6 of the CEQA Guidelines) requires that an EIR evaluate a reasonable range of feasible alternatives to the project or its location that would meet the objectives of the project and substantially reduce or avoid one or more of the
significant environmental impacts of the project. Evaluation of the "no project" alternative is required. The evaluation of project alternatives is not required to be at the same level of detail as the project but must be sufficiently detailed to allow reasonable comparison of the alternatives to one another and to the project. Section 4.2 (Circulation and Parking) contains equal-weight analysis of Alternative 1 (No Project, Existing Conditions). Section 4.3 (Historic Resources) provides equal-weight analysis of all of the alternatives. A summary of this equal-weight analysis and the results of the comparative analysis of remaining alternatives in relevant CEQA impact areas are provided below.

The alternatives that were analyzed are as follows:

- Alternative 1 – No Project, Existing Conditions
- Alternative 2 – Lower Intensity
- Alternative 3 – Higher Intensity
- Alternative 4 – Neighbors’ Alternative

Section 15126.6(f) of the CEQA Guidelines provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include:

- Failure to achieve the basic objectives of the project
- Failure to avoid or substantially lessen significant effects of the project
- Site suitability
- Economic viability
- Availability of infrastructure
- General Plan consistency
- Limitations of other plans or regulations
- Jurisdictional boundaries
- Ability of the project proponent to reasonably acquire, control, or otherwise have access to an alternative site
- Alternatives for which effects cannot be reasonably ascertained and for which implementation is remote and speculative

Based on impacts identified in the FEIR, and other reasons documented below, the City Council finds that adoption and implementation of the project as approved is the most desirable, feasible, and appropriate action and hereby rejects the other alternatives and other combinations and/or variations of alternatives as infeasible based on consideration
of the relevant factors identified above. A summary of each alternative and its relative characteristics, and documentation of the Council’s findings in support of rejecting the alternative as infeasible are provided below.

**Alternative 1 – No Project, Existing Conditions**

Under this alternative the project area would remain under existing zoning and land use designations with limited infill development assumed via additions of accessory dwelling units in the rear, with conversions of many existing residential structures to office use. This alternative would result in five net new dwelling units and 11,700 net new square feet of commercial and office space. This alternative would require 135 new parking spaces and the use of in-lieu parking fees would not be allowed. All four existing designated and eligible historic structures and all 12 pre-1945 contributors would be retained.

The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

The single-family residences on B and on 3rd Streets have not been well maintained and do not foster the vitality and urban vigor that is appropriate on major streets in the downtown Core Area. This alternative would not allow for changes to these structures and their uses that would improve the condition of the properties and the neighborhood.

Intensification and redevelopment of the properties on B and on 3rd Streets will generate tax increment revenue to the Redevelopment Agency of the City of Davis which can be used for public improvements and affordable housing within the Redevelopment Project Area.

This alternative retains the existing single-family uses on B and 3rd Streets. This does not allow the proposed new townhouse development, particularly on B Street, which would increase the possibility of owner-occupied housing to support the existing residential neighborhood and the downtown businesses, consistent with project objectives.

This alternative is inconsistent with the project objective that “Development should improve 3rd Street’s pedestrian experience and land use connection between downtown and the university” in that the existing deteriorated single-family structures would be retained and not replaced with more urban uses.

This alternative is estimated to provide the potential for only five net new dwelling units, which would not provide the additional housing to meet community infill goals or support downtown businesses.
This alternative is inconsistent with the project objective that “New investment should reflect a balanced approach to accomplishing General Plan infill and preservation policies” in that it provides the greater emphasis on preservation to the detriment of creating infill opportunities.

Under existing conditions the B and 3rd Streets area has failed to redevelop and revitalize as intended. Sufficient density is needed to support reinvestment in the area. This alternative does not provide the higher intensity mixed-uses needed to achieve redevelopment.

This alternative fails to capitalize on the economic viability of the area, by allowing existing patterns of non-owner occupancy and rental blight to continue.

This alternative fails to result in modifications to balance competing General Plan goals, and it fails to result in regulatory adjustments that remove existing limitations on achievement of “urban village” development.

Benefits of increased housing opportunities would be substantially less with this alternative as compared to the project (5 verses 79 net new units).

As compared to the project, this alternative would result in less than half the housing and commercial development at build-out. While infill development would still occur in the area under this alternative it would be no different from what could currently take place.

**Alternative 2 – Lower Intensity**

This alternative is based on “Option A -Traditional Pattern” presented in the March 2005 Planning Options Summary, and in “Vision Two” of the April 2005 Visions Summary Report. This alternative assumes retention of some of the existing structures, redevelopment of most parcels on B Street with townhomes and accessory dwellings along the rear alleys, and mixed-use development on 3rd Street. This alternative is estimated to result in a total of 89 dwelling units and 19,874 square feet of non-residential development, with a net increase of 51 dwelling units (66 more multi-family units and 15 fewer single-family units) and 11,644 square feet of commercial (retail and office) space. Alternative 2 would result in need for 154 parking spaces, with 125 residential spaces provided on-site and in-lieu fees paid for 24 commercial spaces and five residential spaces. Alternative 2 retains all four existing designated eligible or designated Merit Resources and Landmarks. One Merit Resource is relocated within the project area; 232 3rd Street relocates on the original parcel to University Avenue. This alternative results in the removal of 15 of the 23 principal structures including 11 of the 12 pre-1945 structures considered to contribute to a possible historic district (CA Status 6L). This alternative differs from the project in that it retains the eligible Merit Resource on B Street (311 B Street).

This alternative falls between the project and the Alternative 1 in terms of development intensity at build-out. Under this alternative build-out development would be about twice that expected under Alternative 1 but about two-thirds of that which would occur under the project. This alternative
would result in about the same square footage of commercial development and about twice the residential development at build-out as is already planned to occur in the same four-acre project area. Amendments to the City's plans and regulations would occur to allow increased height but setbacks would remain substantially the same.

The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Larger setbacks on B Street would push new development to greater intensity on the alleys in order to be economically feasible, which would increase impacts on properties on the east side of University Avenue.

Larger setbacks on B Street would not provide the pedestrian-oriented streetscape appropriate for this prominent corridor.

Retention of the historic and eligible structures would limit potential for redevelopment and investment on those sites. Protecting the setting of these structures would result in unacceptable limitations on development of properties elsewhere in the project area.

The assumption that there would be no retail uses on the property at the southwest corner of B and 3rd Streets is inconsistent with the vision for a retail corridor on 3rd Street.

This alternative would provide fewer housing opportunities than the proposed project, which would not provide the desired additional housing to meet community infill goals or support downtown businesses. Benefits of increased housing opportunities would be substantially less with this alternative as compared to the project (51 verses 79 net new units).

Alternative 2 would fail to avoid or substantially lessen significant effects of the project. This alternative has a lower projected residential density and commercial square footage than the project, but would result in similar environmental impacts. Almost as many contributing structures are removed within the three project area blocks. New development would have a lower density, but would include redevelopment at a larger scale than existing. The impacts on individual designated resources could be mitigated, but cumulative impacts of removal of a group of contributing structures would remain significant and unavoidable.

This alternative would be generally consistent with the project objectives, but fails to implement them to the same degree as the project.

Alternative 3 – Higher Intensity
This alternative is based on "Option B - New Development Pattern", presented in the March 2005 Planning Options Summary and April 2005 Visions Summary Report, with projected unit counts in Option B reduced by approximately 1/3 to reflect assumptions for two-bedroom units rather than one-bedroom units (see Figure 5-3, Alternative 3 Land Uses). This alternative assumes redevelopment with higher density three-plus story row, townhouse, and condominium development along B Street and mixed-use development similar to the project but with a greater amount of residential and non-residential development. Under this alternative it is assumed that all of the existing historic structures are removed. Under this alternative 286 parking spaces would be required (196 residential and 90 commercial) of which 45 of the residential spaces and 88 of the commercial spaces would be allowed to be addressed with in-lieu fees.

This alternative is estimated to result in a total of 134 dwelling units and 45,600 square feet of non-residential development, with a net increase of 96 dwelling units (113 more multi-family units and 17 fewer single family units) and 37,370 square feet of non-residential development. Under Alternative 3 all existing structures are removed or demolished except 246 4th Street and 232 3rd Street. This alternative is the most aggressive of all the alternatives. It would result in 15 percent more housing and 34 percent more commercial development than the project.

The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

This alternative is inconsistent with the project objective that "New investment should reflect a balanced approach to accomplishing General Plan infill and preservation policies" in that it provides the greater emphasis on creating infill opportunities to the detriment of preserving historic resources.

This alternative would have greater impacts on historic structures, in that all four historic or eligible structures are allowed to be removed.

This alternative would result in greater impacts on parking than the proposed project, because nearly fifty percent more parking spaces would be eligible for in-lieu fees.

Alternative 3 would fail to avoid or substantially lessen significant effects of the project. This alternative would result in the same or greater impacts than the project in almost all environmental areas. Impact 4.4-3 relating to land use changes would be significant and unavoidable for this alternative.

**Alternative 4 – Neighbors’ Alternative**

This alternative assumes greater retention of existing structures along B Street, redevelopment with new residential units along the B Street alley, and redevelopment of 3rd Street with office uses. This alternative assumes modified setbacks and densities but with two-story maximum height and a prohibition on use of in-lieu parking fees. All existing structures designated or eligible for historic designation are retained. Under this alternative 157 parking spaces would be required (71 residential and 86 commercial) and the use of in-lieu parking fees would not be allowed. This alternative is estimated to result in a total of 49 dwelling units and 30,160 square feet of
nonresidential development with a net increase of 11 dwelling units (21 more multi-family units and 11 fewer single family units) and 21,930 square feet of non-residential development.

The City Council, based on the information and deliberation in the record as summarized herein, and pursuant to Section 15126.6(f)(1), hereby rejects this alternative as infeasible for the reasons given below.

Construction of newer residential structures along B and 3rd Streets provides opportunities for use of modern construction methods and materials to screen residents from street noise and attract residents who will support a wholesome environment in the neighborhood.

Retention of the historic and eligible structures would limit potential for redevelopment and investment on those sites. Protecting the setting of these structures would result in unacceptable limitations on development of properties elsewhere in the project area.

This alternative is inconsistent with the project objective that "New investment should reflect a balanced approach to accomplishing General Plan infill and preservation policies" in that it provides the greater emphasis on preservation to the detriment of creating infill opportunities.

Alternative 4 would fail to avoid or substantially lessen significant effects of the project. This alternative has a lower projected residential density and commercial square footage than the project, but would result in similar environmental impacts.

This alternative would not provide the additional housing to meet community infill goals or support downtown businesses. Benefits of increased housing opportunities would be substantially less with this alternative as compared to the project (11 verses 79 net new units).

This alternative fails to implement other project objectives to the same degree as the project.
SECTION L.

GROWTH INDUCEMENT

Chapter 5.0 of the Draft EIR volume provides a discussion of the growth inducing impacts of the project pursuant to Section 15126.2(d) of the CEQA Guidelines. The analysis concludes that the development that could occur as a result of the project is limited in scope and would only occur within the project boundaries which total four acres. Therefore land is not available for additional growth. Furthermore infrastructure needed to serve the project will be sized only for the project and not for any additional capacity. For these reasons growth inducement will not occur.

SECTION M.

CUMULATIVE IMPACTS

Chapter 5.0 of the Draft EIR volume contains an analysis of the cumulative impacts, pursuant to Section 15130 of the CEQA Guidelines. The analysis is based on the General Plan EIR and the Core Area Specific Plan EIR both of which looked at potential build-out within the community and the downtown through 2010. However, the amount of development in the Core Area anticipated by 2010 has not occurred. The increased development projected from the project, plus the amount of existing development in the Core in 2006/2007, is still well under the previously assumed cumulative development. The Core Area Specific Plan EIR did identify that cumulative development in the Core Area could result in significant traffic, noise and air quality impacts. The findings of fact made in certifying both the General Plan EIR and the Core Area Specific Plan EIR (including Statements of Overriding Considerations made prior to adopting the Core Area Specific Plan) have been incorporated by reference into the subject environmental review.

SECTION N.

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Chapter 5.0 of the Draft EIR volume examines “significant irreversible environmental changes” pursuant to Section 15126.2(c) of the CEQA Guidelines. Build-out of the project is identified as contributing to the following irreversible environmental changes:

- Use of non-renewable resources such as building materials and fuels.
- Commitment of future generations to more intense use of the project area.
Commitment of resources such as land and urban space.

The discussion concludes that while these items may be considered irreversible changes, based on the scope of the project they do not rise to a level of significance.

SECTION 0.

FINDINGS REGARDING IMPACTS AND MITIGATION MEASURES

The Final EIR sets forth environmental impacts of the project that would be significant in the absence of mitigation measures. These effects (or impacts) are restated below along with final applicable mitigation measures (including any changes or alterations) as adopted by the City Council that will avoid or substantially lessen those potentially significant or significant effects.

Also set forth are any significant effects that cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the Final EIR. In adopting these findings, the City is also adopting a Statement of Overriding Considerations setting forth the economic, social, and other benefits of the Project that will render these significant effects acceptable. See Exhibit B (Statement of Overriding Considerations).

In the "Findings of Fact" discussion, the City's determination is provided regarding environmental impacts that remain significant or are reduced to a less-than-significant level given the implementation of adopted feasible mitigation, and also whether certain other measures which were proposed, but not adopted, are infeasible for social, economic, or other reasons.

Pursuant to Section 15126.4 of the CEQA Guidelines, the City is not required to adopt mitigation measures for impacts that are less-than-significant. Nonetheless, the City Council restates these conclusions below. Pursuant to Section 15091 of the CEQA Guidelines, the discussion below provides findings of fact concerning each of the impacts and mitigation measures identified in the EIR.

INITIAL STUDY

Impact

Various impacts identified in DEIR Appendix 7.1, Notice of Preparation/Initial Study: aesthetics; agricultural resources; air quality (previous statement of override applies); biological resources: geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise (previous statement of
override applies); population and housing; public services (fire, police, schools, parks, and other public facilities); recreation services; transportation and traffic; and utilities and service systems (sewer, water supply, stormwater drainage, and landfill).

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required. Compliance with existing City ordinances and other standard City conditions of approval reduces the potential for impact to less-than-significant.

Findings of Fact
Less-than-significant impacts as specified in DEIR Appendix 7.1 are confirmed by the City Council. Additional findings are not required.

CULTURAL RESOURCES

Impact
Impacts to cultural resources.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
IS-1: If subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.

IS-2: Property owners shall arrange for a qualified archeologist acceptable to the Community Development Department to be on the site during all periods of subsurface disturbance.

Findings of Fact
The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure(s) constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure(s) is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.
CIRCULATION AND PARKING

Impact
4.2-1: The project will increase traffic volumes at the intersections in the study area, but will not cause an unacceptable LOS at any of the intersections studied.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required

Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact
4.2-2: The project may increase traffic volumes along the alley to levels requiring modification of the existing alley improvements to adequately accommodate passing vehicles and vehicle maneuvers.

Significance After Mitigation – Less Than Significant and Unavoidable

Adopted Mitigation Measures
4.2-2(a): Whether or not the proposed in-lieu parking fee program option is extended to the project area, the City will retain the ability to expand the existing alley right-of-way (ROW) within the project area will be expanded to 20 feet along the east side of the alley, between 2nd Street and 4th Street, with the exception of 246 4th Street. The ROW will be obtained as properties within the project area are developed or by acquisition as necessary.

Counts of average daily travel (ADT) along the alley will be taken approximately six months after the completion of redevelopment that substantially increases the intensity of use for any individual parcel(s) within the project area. When an ADT threshold of 400 vehicles is exceeded on either “street-to-street” segment (e.g. 2nd Street to 3rd Street section or 3rd Street to 4th Street section) the City will implement the requirement to improve that entire alley segment to the ultimate cross-section described below. If all ROW necessary to install the full cross-section improvement has not been dedicated or otherwise acquired, available ROW sufficient to install the improvements will
The ultimate alley cross-section will consist of accommodate up to 20 feet comprised of a full 16-foot paved section with 2-feet of clear area on either side. As directed by the City Engineer, alley design will address (among other things) underground infrastructure improvements, above ground utility placement, drainage, pavement edge treatment, clear signage and/or striping, and access points for on-site parking. As directed by the City Engineer, alley design will avoid mature trees and other physical features (e.g. landscape islands, fences, stairwell at 217 B Street, etc.) where practicable. Final determination of how and whether the alley improvements are constructed shall be made by the City Council, in consultation with the City Engineer and opportunities for public comment.

Findings of Fact
In responding to comments received on the DEIR, this mitigation measure was altered from the original wording as presented in the DEIR. The text of the measure was modified to more clearly state the cross-section for the alley improvements and thresholds for implementation of improvements along the alley. Under the revised wording presented in the Response to Comment document each subsequent development that occurs within the project area would contribute incrementally to the need for alley improvements and may be required to make incremental improvements to the alley. Based on regular monitoring of alley volumes, at the point the amount of new development exceeds the identified threshold, full improvements to the alley would be triggered and would be implemented along the full “street-to-street” segment as described.

During the course of the public hearings, the City Council subsequently determined that revised Mitigation Measure 4.2-2(a) was not consistent with community priorities and therefore rejected the measure as infeasible. The City of Davis has consistently determined that other community priorities override the need to widen roads. These community priorities include aesthetics, pedestrian and bicycle safety, and preservation of trees, all of which are applicable to this circumstance. Previous examples include decisions to not widen Covell Boulevard, B Street, Russell Boulevard, and the Richards Boulevard Undercrossing. The City Council directed that the measure be revised as shown above in strike-out and underline format to be consistent with community priorities. The primary effect of the Council’s modification is to change the alley widening from mandatory at a certain threshold to discretionary as determined by the Council. In their deliberations the City Council determined that:

1. The revision to the mitigation would not preclude the capture of additional right-of-way upon redevelopment of the B Street parcels, but would not require the physical improvements unless and until such a decision is made by the City Council.
2. The areas adjacent to the existing alley contain multiple trees, stairs and other building projections, and utility poles. Expanding the right-of-way would transfer control of some or all of this area, but would have no impact on the physical configuration of the alley unless and until such a decision is made by the City Council.

The City Council hereby directs that the mitigation measure be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, but will not lessen to a less-than-significant (acceptable) level, or avoid, the impact.

The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact
4.2-3: The proposed project will increase transit use in the project area, but will not cause current transit routes to exceed capacity.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required

Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact
4.2-4: The proposed project would increase pedestrian and bicycle usage of alleys, creating the potential for conflict with vehicles using the alleys.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required
Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact
4.2-5: The parking demand generated by the new development proposed by the project may exceed the parking spaces provided by those developments.

Significance After Mitigation — Significant and Unavoidable

Adopted Mitigation Measures
4.2-5(a): Consistent with the CASP policies and the Traditional Davis Downtown and Residential Design Guidelines, the City shall use any in-lieu fees collected from new developments in the project area to fund some or all of the following efforts aimed at serving the travel demand in the project area while minimizing parking on-site or on adjacent neighborhood streets:

1. Coordinate with UC Davis staff to provide parking on campus for any project developments that will house University functions.
2. Provide a local car-share program, in conjunction with the University, the Yolo TMA, and other interested agencies, to reduce the need for individual car ownership by project residents and residents of the greater project vicinity.
3. Consider Redevelopment Agency participation in combination with in-lieu fees to develop a consolidated parking facility.
4. Consider creating a new Central Park parking district that could provide parking in a series of smaller lots or in a centralized parking structure or lot at a location such as the new School District site at the north end of Central Park.
5. Consider reducing parking time limits and the installing parking meters on 3rd Street to maximize the use of on-street parking for commercial uses.
6. Work with the University to prepare a joint transportation and parking study for the neighborhood west of the campus, potentially including the entire Core Area.
7. Require provision of required parking on-site for all residential uses. Require provision of required parking on-site for all commercial uses unless an equivalent parking plan is submitted, including consideration of new parking arrangements such as mechanically supported stacked parking, tandem parking, and electric car vehicle spaces/hookups through the design review process.
8. Pursue a new shuttle system between the University and Downtown serving the 3rd Street Corridor area.

Findings of Fact
In responding to comments received on the DEIR, this mitigation measure was altered from the original wording as presented in the DEIR. Items 7 and 8 were added as additional feasible efforts to which in-lieu fees may be applied. The Council hereby
determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure (with the clarifications/interpretations above) shall be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact
4.2-6: The project will add to the cumulative traffic growth at intersections in the area, but will not cause an unacceptable LOS or trigger signal warrant at any of the intersections studied.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required

Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

HISTORIC RESOURCES

Impact
4.3-1: Future redevelopment may result in demolition or relocation of an individual resource designated or eligible to be designated locally as a Landmark.

Significance After Mitigation – Less Than Significant (Significant and Unavoidable if structure is not retained on-site)

Adopted Mitigation Measures
4.3-1(a): Retain the existing structure at 301 B Street on-site.

Findings of Fact
The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

If the structure is ultimately not retained in place, the residual impact would be Significant and Unavoidable. Removal of all of the Merit Resource, Landmarks, and contributing resources in the project area was addressed in the EIR analysis in order to provide complete CEQA clearance as individual property owners may choose to request removal or relocation of the structures assumed for retention as part of the “project.” If, with respect to a future project on this particular piece of property, demolition or relocation is proposed, the City will be required to consider that as a part of review of the development application. The subject EIR may be relied upon to make subsequent overriding findings for that project in order to allow demolition.

Impact
4.3-2: The project may result in additions or alterations resulting in a substantial adverse change to the physical characteristics of an individual resource designated or eligible to be designated locally as a Landmark that would result in loss of its Landmark status.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
4.3-2(a): Any modifications to a designated Landmark the property at 301 B Street shall be developed and maintained in accordance “The Secretary of Interior’s Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.” This requirement would be applied at the time of request for development approval.

Findings of Fact
During the course of the public hearings to take final action on the project, the City Council directed that this measure be modified to be clear about the specific property to which it applies. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this
measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

I **Impact**

4.3.3: The project may result in demolition or relocation of an individual resource designated or eligible to be designated locally as a Merit Resource that is considered to have high local historic value and integrity in both the structure and context of its immediate surroundings.

Significance After Mitigation – Less Than Significant; Significant and Unavoidable for 311 B Street and other structures if not retained or relocated

**Adopted Mitigation Measures**

4.3-3(a): Retain the structure at 337 B Street on site, or relocate to another site that allows the resource to retain its historic character defining features, setting and environment.

4.3-3(b): Retain the structure at 311 B Street on site or attempt to relocate to another site that allows the resource to retain its historic character defining features, setting and environment.

4.3-3(c): Retain the structure at 232 3rd Street on site or relocate to another site that allows the resource to retain its historic, character defining features, setting, and environment.

**Findings of Fact**

The structure at 337 B is proposed to remain in its present location. The structure at 311 B Street is proposed to be moved to a site that must be demonstrated to meet the specified criteria, but for which a precise location is not known. The structure at 232 3rd Street is proposed to be relocated on the same parcel, facing University Avenue.

During the course of the public hearings, the City Council determined that because it was unknown whether there is an available, feasible site for relocation of the structure at 311 B Street, it is not possible to conclude with certainty that redevelopment of this property will be fully mitigated. Therefore the City Council hereby revises this measure to require certainty, reflect this uncertainty, and acknowledges conservatively that there would be remaining unmitigated impacts if a suitable site cannot be identified. Additionally the final Mitigation Monitoring Plan (Exhibit C) includes added language that describes the process to be used to reach a conclusion about the adequacy of any given relocation site.

The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes
a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact for 337 B Street and 232 3rd Street and 311 B Street.

With respect to the impact for 311 B Street, the Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains potentially significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

If 337 B Street and 311 B Street are not retained in place and/or moved to an acceptable site and/or if 232 3rd Street is not relocated in an acceptable manner on-site the residual impact in each case would be significant and unavoidable. The City will be required to consider that as a part of review of each subsequent development application. Removal of all of the Merit Resources, Landmarks, and contributing resources in the project area was addressed in the EIR analysis in order to provide complete CEQA clearance as individual property owners may choose to request removal or relocation of structures in a manner than differs from the project assumptions. The subject EIR may be relied upon to make subsequent overriding findings for future projects on these properties should there be remaining unavoidable impacts.

Impact

4.3-4: The project may result in substantial alteration of an individual resource designated or eligible to be designated locally as a Merit Resource, considered to have high local historic value and integrity in both the structure and context of its immediate surroundings, that may result in loss of its Merit Resource status.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures

4.3-4(a): Any modifications to a designated Merit Resource shall be developed and maintained in accordance "The Secretary of Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings." This requirement would be applied at the time of request for development approval.
Findings of Fact
The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact
4.3-5: The project may result in the demolition or relocation of an individual pre-1945 Contributor resource not eligible for designation as a local Merit Resource or Landmark.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required

Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact
4.3-6: The project may result in the substantial alteration of an individual pre-1945 Contributor not eligible for designation as a local Merit Resource or Landmark that may adjoin and have a potential adverse impact on the historic setting of a local Merit Resource or Landmark site.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required

Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact
4.3-7: The project may result in demolition or relocation of a group of pre-1945 Contributor structures that may adversely impact the integrity of the historic setting of a designated Merit Resource or Landmark.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures
4.3-7(a): Pursue relocation of the five contributor structures identified as a high priority for relocation to other appropriate sites within a traditional residential neighborhood located with the Conservation District.

Findings of Fact
The City Council hereby directs that the stated mitigation measure shall be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact
4.3-8: The project may result in substantial alteration of a group of pre-1945 Contributor structures that may adversely impact the integrity of the historic setting of a designated Merit Resource or Landmark.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required

Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact
4.3-9: The project will result in a cumulative substantial change to the physical characteristics of a portion of the Davis Downtown and Traditional Residential Neighborhood Conservation District that will adversely affect the integrity of the historic setting of this portion of the district.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures
4.3-9(a): All new development within the Conservation District will be subject to design review according to the adopted design guidelines for the Conservation District. All new development on eligible or designated historic resource sites or within 300 feet of such sites will also be reviewed by the Historic Resources Management Commission pursuant to Zoning Code Section 40.23.050 (i).
4.3-9(b): Implement Mitigation Measure 4.4-5a.

4.3-9(c): Consider establishment of a Historic Impact Mitigation fee as compensation for demolition of designated historic resources or pre-1945 contributor structures with high integrity. Fees collected would be used for efforts or projects considered to strengthen the historic integrity of the Conservation District as a whole, such as: to facilitate relocation of historic structures to suitable sites; for purchase of historic properties and/or relocation sites; payment of full or partial relocation and rehabilitation costs; restoration or repair of historic resources; and payment for historic research and surveys. The use of historic mitigation fees to reimburse the Agency for the 3rd and J Street site or to contribute to purchase of another site shall be considered.

Findings of Fact
In responding to comments received on the DEIR, this impact/mitigation measure was altered from the original wording as presented in the DEIR. Mitigation Measures 4.3-9(a) and (c) were clarified to increase the specificity of the measure. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure (with the clarifications/interpretations above) shall be incorporated into the conditions of approval for the project. The Council further finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact
4.3-10: Removal of a group of contributing structures will remove the potential for the project area to be designated or listed as a historic district, or as a portion of a historic district.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures
None Available

Findings of Fact
The City Council finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

**LAND USE AND AESTHETICS**

**Impact**
4.4-1: The project requires amendments to various adopted plans.

**Significance After Mitigation** – Less Than Significant

**Adopted Mitigation Measures**
None Required

**Findings of Fact**
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

**Impact**
4.4-2: The project requires amendments to various adopted regulations.

**Significance After Mitigation** – Less Than Significant

**Adopted Mitigation Measures**
None Required

**Findings of Fact**
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

**Impact**
4.4-3: Implementation of the project would result in changes in land use within the project area.

**Significance After Mitigation** – Less Than Significant

**Adopted Mitigation Measures**
None Required
Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

Impact
4.4-4: Implementation of the project would result in increased density and intensity of development within the project area.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures
None Available

Findings of Fact
The City Council finds that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

Impact
4.4-5: Implementation of the project would result in a change in the existing visual character and quality within and adjoining the project area.

Significance After Mitigation – Significant and Unavoidable

Adopted Mitigation Measures
4.4-5(a): The following items shall be incorporated into the design review for individual projects that move forward consistent with the Visioning Process:

1) Proposed massing, modulation, and setbacks shall be reviewed on a project basis with the goal of minimizing the appearance of bulk and mass of the new structures and impacts to sunlight and privacy on neighboring lots to the extent feasible;

2) An arborist report prepared by a qualified arborist documenting the location, species, size, and condition of trees on-site, accompanied with a mitigation plan for removal of any site trees, and plan to protect trees during construction activities, consistent with the provisions of the City's Tree Planting, Preservation and Protection Ordinance.
3) Replacement trees shall be approved species that have majestic canopies as maturity occurs and that can grow and mature successfully in the specific locations identified with minimized concerns regarding impacts to structures and foundations, and maintenance;

4) A pattern of evenly spaced street trees of the same or alternating canopy species shall be reinstated as trees are replaced, with the goal of replicating the sidewalk environment typical to the traditional shaded neighborhood streets;

5) Design shall reflect the "traditional neighborhood feel" of the area. Site design, architecture, and materials of new development shall be reviewed to assure sustainability, high quality, and timelessness of their design and construction to enhance the visual quality of the street. Proposed building designs and elevations shall be reviewed for compatibility with existing development. Character defining features of the project area should be identified and used to direct new design as far as material, form and scale.

6) Window placement and glazing shall be reviewed to minimize privacy impacts on adjoining properties, particularly those outside of but adjoining the project area. Proposed yard treatment shall be reviewed with the goal of minimizing impermeable yard coverage - e.g. permeable treatments of yard space shall be encouraged over non-permeable;

7) Improvements to the pedestrian and public environment including sidewalks, landscape strips/tree grates, lighting, curb/gutter reconstruction, and alley improvements can enhance the aesthetic quality and function of the pedestrian environment within the project area. These improvements shall be completed as soon as possible as one cohesive, singular public project that allows for the pedestrian framework to be in place early and avoids piecemeal completion of these improvements as would occur if each property owner was responsible based on their own investment timetable. If phasing of these improvements is necessary, the phasing shall be minimized to the greatest feasible extent.

Findings of Fact
In responding to comments received on the DEIR, this impact was altered from the original wording as presented in the DEIR. The impact was clarified to be consistent with the analysis text. The Council hereby determines based on substantial evidence in the record that the changes to the impact/mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and therefore recirculation is not required.

The City Council hereby directs that the stated mitigation measure must be incorporated into the conditions of approval for the project. The Council further finds
that there are no additional feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce this impact to a less-than-significant level. This impact, therefore, remains significant and unmitigable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the Project as modified, despite unavoidable residual impacts.

**NOISE**

**Impact**
4.5-1: The proposed project would result in an increase in traffic noise levels at existing noise-sensitive uses in the project vicinity.

**Significance After Mitigation – Less Than Significant**

**Adopted Mitigation Measures**
None Required

**Findings of Fact**
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.

**Impact**
4.5-2: The proposed project could expose new residences to traffic noise levels that exceed the City of Davis exterior and interior noise level standards.

**Significance After Mitigation – Less Than Significant**

**Adopted Mitigation Measures**
Mitigation Measure 4.5-2(a): The following noise attenuation measures are required for all new construction/development in the project area:

1) All windows and sliding glass doors should be weather stripped or mounted in low air-infiltration design frames meeting ANSI air infiltration standards. Standard energy-conserving building practices will satisfy this requirement.

2) Noise insulation features shall be incorporated into building construction and site improvement as may be necessary to ensure interior noise levels no greater than 45 dBA for residential and 55 for non-residential space.
Mitigation Measure 4.5-2(b): Reduce exposure to exterior noise levels through site design, building placement and interior building layout where feasible.

Findings of Fact
The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure(s) constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure(s) is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact
4.5-3: The proposed project could expose new noise-sensitive uses to noise levels from stationary noise sources that could exceed the Davis City Code exterior noise level standards.

Significance After Mitigation – Potentially Significant and Unavoidable

Adopted Mitigation Measures
4.5-3(a) – Owners and tenants of new residential units within the project area shall be informed that special events at Toomey Field and/or Central Park may generate noise levels which vary and may approach or exceed the City’s noise ordinance standards.

Findings of Fact
The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure(s) constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure(s) is appropriate and feasible, but will not necessarily reduce impacts to a less-than-significant level. The residual impact remains potentially significant and unavoidable.

Impact
4.5-4: The proposed project would create new commercial, office and residential uses which would contribute to ambient noise levels.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
4.5-4(a): Applicants for commercial projects within the project area shall be required to ensure that feasible and reasonable noise control measures are incorporated into the project design so as to mitigate noise impacts on adjoining residential uses. Such
noise control measures may include, but not be limited to, use of noise barriers, site-redesign, silencers, partial or complete enclosures of noisy equipment, etc.

4.5-4(b): HVAC equipment for commercial uses within the project area shall be placed as far as feasible from residential uses and shall be located within mechanical rooms where possible or screened from view through the use of building parapets or other solid noise barriers/enclosures.

4.5-4(c): Commercial parking lots shall be shielded from the residential uses through the use of intervening structures or solid noise barriers.

Findings of Fact
The City Council hereby directs that the stated mitigation measure(s) be incorporated into the project as a required condition of approval. This mitigation measure(s) constitutes a change or alteration of the project that is within the responsibility and jurisdiction of the City. The Council finds, based on substantial evidence in the record, that this measure(s) is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

Impact
4.5-5: Activities associated with construction could result in elevated noise levels at existing noise-sensitive uses.

Significance After Mitigation – Less Than Significant

Adopted Mitigation Measures
None Required

Findings of Fact
Less-than-significant impact is confirmed by the City Council. Additional findings are not required.
B AND 3RD STREETS VISIONING PROCESS

RESOLUTION OF APPROVAL
EXHIBIT B

CEQA STATEMENT OF OVERRIDING CONSIDERATIONS
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CEQA STATEMENT OF OVERRIDING CONSIDERATIONS for
the B AND 3RD STREETS VISIONING PROCESS

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SECTION A.

GENERAL INTRODUCTION

In approving the subject project as evaluated in the Final Environmental Impact Report ("Final FEIR"), the City makes the following Statement of Overriding Considerations in support of its findings of fact and in support of the project. The City Council has considered the information contained in the FEIR prepared to examine the project, and has fully reviewed and considered the public testimony and record in this proceeding.

The City Council has carefully balanced the benefits of the project against the unavoidable adverse impacts identified in the FEIR. Notwithstanding the disclosure of impacts identified in the FEIR as significant and potentially significant, and which have not been eliminated or mitigated to a less-than-significant level, the City Council, acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the project outweigh the significant unmitigated adverse environmental impacts.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following potentially adverse impacts cannot be mitigated to a less-than-significant level if the project is implemented with adopted mitigation measures. All other impacts are less-than-significant or fully mitigated. These impacts are listed below:

- Impact 4.2-2: The project may increase traffic volumes along the alley to levels requiring modification of the existing alley improvements to adequately accommodate passing vehicles and vehicle maneuvers.

- Impact 4.2-5: The parking demand generated by the new development proposed by the project may exceed the parking spaces provided by those developments.

- Impact 4.3.3: The project may result in demolition or relocation of an individual resource designated or eligible to be designated locally as a Merit Resource that is considered to have high local historic value and integrity in both the structure and context of its immediate surroundings. In particular, because there is no guarantee that the structure at 311 B Street can be relocated, the residual impact may be significant and unavoidable.

- Impact 4.3-7: The project may result in demolition or relocation of a group of pre-1945 Contributor structures that may adversely impact the integrity of the historic setting of a designated Merit Resource or Landmark.

- Impact 4.3-9: The project will result in a cumulative substantial change to the physical characteristics of a portion of the Davis Downtown and Traditional Residential Neighborhood.
Conservation District that will adversely affect the integrity of the historic setting of this portion of the district.

- Impact 4.3-10: Removal of a group of contributing structures will remove the potential for the project area to be designated or listed as a historic district, or as a portion of a historic district.

- Impact 4.4-4: Implementation of the project would result in increased density and intensity of development within the project area.

- Impact 4.4-5: Implementation of the project would result in a change in the existing visual character and quality within and adjoining the project area.

- Impact 4.5-3: The proposed project could expose new noise-sensitive uses to noise levels from stationary noise sources that could exceed the Davis City Code exterior noise level standards.

Where available, feasible mitigation measures that would partially mitigate these impacts have been identified and discussed in the FEIR, and are summarized in the table in Exhibit A. No additional feasible mitigation measures have been determined to be available for these significant and unavoidable impacts. The City Council finds that there are no other available feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce these impacts to a less-than-significant level. To the extent that these adverse impacts will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified herein support approval of the project despite these unavoidable impacts.

SECTION B.

SPECIFIC FINDINGS

Project Changes to Avoid or Reduce Impacts

Changes or alterations have been made to the project, which mitigate to the most feasible degree the significant environmental effects of the project, as identified in the Final EIR. These changes take primarily two forms: a) changes to the project made by the City Council for the purposes of improving overall benefit to the community; and b) amendment of the project to incorporate all adopted feasible mitigation measures.

Changes made by the City Council include the following: elimination of the optional fourth story, elimination of the density bonus for ownership condominium projects, and elimination of the option for in-lieu parking fees for residential uses. These changes minimize the potential for conflicts and incompatibilities between existing development,
and new development under the project. These changes help to lessen impacts related to intensity of use and parking.

The City Council also adopted all feasible mitigation measures as requirements of implementation of the project, however, Mitigation Measure 4.2-2(a) was rejected then adopted as revised by the City Council and Mitigation Measure 4.3-3(b) was adopted as revised. Final disposition of the mitigation measures are further detailed below.

Final Disposition of Mitigation Measures

All feasible mitigation measures have been incorporated into the project by way of adoption by the Council as a part of the Mitigation Monitoring Plan (see Exhibit C). Modifications to several measures have been made by the Council. These are reflected below and in Section O (Findings Regarding Impacts and Mitigation Measures) of Exhibit A.

In responding to comments received on the DEIR, Mitigation Measure 4.4-2(a) was altered from the original wording as presented in the DEIR. The text of the measure was modified to more clearly state the cross-section for the alley improvements and thresholds for implementation of improvements along the alley. Under the revised wording presented in the Response to Comment document each subsequent development that occurs within the project area would contribute incrementally to the need for alley improvements and may be required to make incremental improvements to the alley. Based on regular monitoring of alley volumes, at the point the amount of new development exceeds the identified threshold, full improvements to the alley would be triggered and would be implemented along the full “street-to-street” segment as described.

During the course of the public hearings, the City Council subsequently determined that revised Mitigation Measure 4.2-2(a) was not consistent with community priorities and therefore rejected the measure as infeasible. The City of Davis has consistently determined that other community priorities override the need to widen roads. These community priorities include aesthetics, pedestrian and bicycle safety, and preservation of trees, all of which are applicable to this circumstance. Previous examples include decisions to not widen Covell Boulevard, B Street, Russell Boulevard, and the Richards Boulevard Undercrossing. The City Council directed that the measure be revised to be consistent with community priorities. The primary effect of the Council’s modification is to change the alley widening from mandatory at a certain threshold to discretionary as determined by the Council. In their deliberations the City Council determined that:

1. The revision to the mitigation would not preclude the capture of additional right-of-way upon redevelopment of the B Street parcels, but would not require the physical improvements unless and until such a decision is made by the City Council.
2. The areas adjacent to the existing alley contain multiple trees, stairs and other building projections, and utility poles. Expanding the right-of-way would transfer control of some or all of this area, but would have no impact on the physical configuration of the alley unless and until such a decision is made by the City Council.

Items 7 and 8 were added to Mitigation Measure 4.2-5(a) as additional feasible efforts to which in-lieu fees may be applied. Item 7 was further revised to clarify that a mitigation plan considered to provide equivalent parking would be required as part of a design review approval allowing use of in-lieu parking for non-residential uses.

During the course of the public hearings, the City Council acted to revise Mitigation Measure 4.3-3(b) to reflect its intention that if a suitable relocation site were not found for 311 B Street the structure would be retained on site. Additionally the final Mitigation Monitoring Plan (Exhibit C) includes added language that describes the process to be used to reach a conclusion about the adequacy of any given relocation site.

Mitigation Measures 4.3-2, 4.3-3 (b), 4.3-9(a), and 4.3-9(c) were clarified to increase the specificity of the measure.

**Project Benefits Outweigh Unavoidable Impacts**

The remaining unavoidable and irreversible impacts of the project are acceptable in light of the economic, legal, social, technological, and other considerations set forth herein because the benefits of the project (as described in Exhibit A, Section J) outweigh any significant and unavoidable or irreversible adverse environmental impact of the project.

**Balance of Competing Goals**

The Council finds that it is imperative to balance competing goals in approving the project. Several significant environmental impacts have not been fully mitigated because of the need to meet competing concerns, and/or the need to recognize economic, legal, social, technological, and other issues as factors in decision-making. Accordingly, the Council has chosen to accept significant adverse environmental impacts because to eliminate them would unduly compromise important economic, legal, social, technological, and other goals. The City Council finds and determines, based on the FEIR, testimony from the hearings, and other supporting information in the record, that the project will provide for a positive balance of the competing goals and that the benefits to be obtained by the project outweigh the adverse environmental impacts of the project.
SECTION C.

OVERRIDING CONSIDERATIONS

The Council specifically finds that although the identified significant adverse impacts have not been mitigated to a less-than-significant level, the benefits identified in Section J (Project Benefits) of Exhibit A and the considerations identified above, support approval of the project.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council has concluded that the benefits that the City will derive from the implementation of the project, when combined with the other beneficial considerations discussed in this Section, outweigh those environmental risks.

Economic and Fiscal Considerations

Substantial evidence in the record demonstrates various economic and fiscal benefits which the City would derive from the implementation of the project. Included among these are (in no relevant order):

- The project facilitates and provides incentives for reinvestment in the project area.
- The project encourages ownership housing. It provides new opportunities for ownership housing on streets that are predominantly rental.
- The project encourages sustainable design.
- The project will result in opportunities for new retail and office space to provide employment opportunities for local residents, and goods and services to local residents and businesses.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.
Housing Considerations

Substantial evidence in the record demonstrates various housing benefits which the City would derive from the implementation of the project. Included among these are (in no relevant order):

- The project encourages ownership housing. It provides new opportunities for ownership housing on streets that are predominantly rental.
- The project provides protections for existing homeowners both within and outside of the project area.
- The project will allow for a mix of high quality housing to meet community needs.
- The project satisfies the City Council’s desire to create a higher density, mixed-use “urban village” in the area.
- The project will result in up to 79 net new residential units, 17,800 net new square feet of office space, and 25,770 net new square feet of commercial space.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Design Considerations

Substantial evidence in the record demonstrates various design benefits which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The project encourages sustainable design.
- The project will result in redevelopment that frames and activates the area bordering Central Park.
- The project improves the pedestrian experience, especially along 3rd Street.
- The project satisfies the City Council’s desire to create a higher density, mixed-use “urban village” in the area.
The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Social Considerations

Substantial evidence in the record demonstrates various social benefits which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The project provides a balanced approach for accomplishing General Plan infill and preservation policies. It also corrects inconsistencies between the Core Area Specific Plan and the Traditional Neighborhood and Downtown Design Guidelines.
- The project strengthens the connection between downtown and the university.
- The project will enhance the vitality of downtown.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

SECTION D.

CONCLUSION

The FEIR is a project level document prepared pursuant to the CEQA Statute and Guidelines. The Council has independently determined that the FEIR fully and adequately addresses the impacts and mitigations of the B and 3rd Streets Visioning Process. The number of project alternatives identified and considered in the FEIR meets the test of "reasonable" analysis and provides the Council with important information from which to make an informed decision. Public hearings were held before the Planning Commission and the City Council. Substantial evidence in the record from those meetings and other sources demonstrates various benefits and considerations including economic, legal, social, technological, and other benefits which the City would
achieve from the implementation of the project. The City Council has balanced these project benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that the impacts are outweighed by the project benefits. Upon balancing the environmental risk and countervailing project benefits, the City Council has concluded that the benefits that the City will derive from the implementation of the Project, as compared to the existing and planned future conditions, outweigh those environmental risks. The City Council believes that the above-described project benefits override the significant and unavoidable environmental impacts of the project.

In conclusion, the City Council hereby adopts the mitigation measures identified in Exhibit C (Mitigation Monitoring Plan), and finds that any remaining (residual) effects on the environment attributable to the project, which are identified as unavoidable in the preceding Findings of Fact, are acceptable due to the overriding concerns set forth in Sections B (Specific Findings) and C (Overriding Considerations) of this Statement of Overriding Considerations.
B AND 3\textsuperscript{RD} STREETS VISIONING PROCESS
RESOLUTION OF APPROVAL
EXHIBIT C

CEQA MITIGATION MONITORING PLAN for
the B AND 3\textsuperscript{RD} STREETS VISIONING PROCESS
The California Environmental Quality Act requires public agencies to report on and monitor measures adopted as part of the environmental review process (Section 21081.6, Public Resources Code [PRC]; Section 15097 of the CEQA Guidelines). This Mitigation Monitoring Plan (MMP) is designed to ensure that the measures identified in the Environmental Impact Report, as adopted by the City Council, are fully implemented. The MMP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The City has the ultimate responsibility to oversee implementation of this Plan. The Community Development Director serves as the Project Monitor responsible for assigning monitoring actions to responsible agencies. Unless otherwise stated herein, the Project Monitor is responsible for tracking the overall progress towards and implementation of each action.

As required by Section 21081.6 of the PRC, the Davis Community Development Department is the “custodian of documents and other material” which constitute the “record of proceedings” upon which a decision to approve the proposed project was based. Inquiries should be directed to:

Community Development Director
City of Davis
530-757-5610

The location of this information is:

Davis City Hall
Community Development Department
23 Russell Boulevard
Davis, California 95616

In order to assist implementation of the mitigation measures, the MMP includes the following information:

**Mitigation Measure:** The mitigation measures are taken verbatim from the FEIR or as ultimately adopted by the City Council.

**Timing/Milestone:** This section specifies the point by which the measure must be completed. Each action must take place during or prior to some part of the project development or approval.

**Responsibility for Oversight:** The City has responsibility for implementation of most mitigation measures. This section indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.

**Implementation of Mitigation Measure:** This section identifies how actions will be implemented and verified.

**Responsibility for Implementation:** This section identifies the entity that will undertake the required action.

**Checkoff Date/Initials:** This verifies that each mitigation measure has been implemented.
<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Adopted Mitigation Measures</th>
<th>Timing/ Milestone</th>
<th>Responsibility for Oversight</th>
<th>Implementation of Mitigation Measure</th>
<th>Responsibility for Implementation</th>
<th>Checkoff Date/Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cultural Resources</strong></td>
<td>IS-1: If subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.</td>
<td>During all periods of subsurface disturbance (including during grading, construction of infrastructure, and construction of each building)</td>
<td>Planning; Building Inspection; Public Works; Yolo County Coroner; NAHC</td>
<td>If human remains are found, all grading and activity in the immediate area shall cease, the find shall be left in place, and the applicant shall immediately notify the Yolo County Coroner at (530) 866-8282 and the Community Development Department at (530) 757-5610 to assess the find and determine how to proceed. If the remains are found to be of Native American descent, the Native American Heritage Commission shall also be notified at (916) 653-4052, pursuant to the terms of the measure. If other archeological or cultural resources are found, all grading and activity in the immediate area shall cease, the finds shall be left in place, and the project archeologist and the Community Development Department shall be contacted to assess the find and determine how to proceed.</td>
<td>Property owners; developers; builders</td>
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<td></td>
<td>IS-2: Property owners shall arrange for a qualified archeologist acceptable to the Community Development Department to be on the site during all periods of subsurface disturbance.</td>
<td>During all periods of subsurface disturbance (including during grading, construction of infrastructure, and construction of each building)</td>
<td>Planning</td>
<td>During grading, construction of infrastructure, and construction of each building a qualified archeologist would need to be present. In order to implement this, City sign-off on qualifications and an executed contract with the professional will need to be in place prior to commencement of site disturbance aspects of any given project in the project area.</td>
<td>Property owners; developers; builders</td>
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<td>N/A</td>
<td>N/A</td>
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</table>

**Migration Measure: None Required**

- **Impacted A-2:** The proposed project will increase traffic in the project vicinity.

**Table Note:**
- "A-2" in any column indicates that the project will increase traffic in the project vicinity.
- "A-3" in any column indicates that the project will increase traffic in the project vicinity.
- "None" in any column indicates that the project will not increase traffic in the project vicinity.

**Columns:**
- **Impacted A-2:** Indicates that the project will increase traffic in the project vicinity.
- **Impacted A-3:** Indicates that the project will increase traffic in the project vicinity.
- **None:** Indicates that the project will not increase traffic in the project vicinity.

**Table Data:**
- The table data is not clearly visible in the image, but it appears to contain information related to traffic impacts of various projects.

**Legend:**
- "A-2" and "A-3" indicate the specific types of traffic impacts.
- "None" indicates no impact on traffic.

**Notes:**
- The notes explain the traffic impacts and provide information on how the traffic will be managed.

**Context:**
- The table likely relates to a transportation or infrastructure project, with the impacts assessed in terms of traffic flow and congestion.

**Additional Information:**
- The table data is crucial for understanding the traffic implications of the proposed project and for planning effective traffic management strategies.

---

*This transcription and analysis are based on the visible content of the image and may not capture all details or context.*
Impact 4.2-4: The proposed project would increase pedestrian and bicycle usage of alleys, creating the potential for conflict with vehicles using the alleys.

Mitigation Measure: None required.

<p>| | | | | |</p>
<table>
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</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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</tbody>
</table>

Impact 4.2-5: The parking demand generated by the new development proposed by the project may exceed the parking spaces provided by those developments.

Mitigation Measure 4.2-5: Consistent with the CASP policies and the Traditional Davis Downtown and Residential Design Guidelines, the City shall use any in-lieu fees collected from new developments in the project area to fund some or all of the following efforts aimed at serving the travel demand in the project area while minimizing parking on-site or on adjacent neighborhood streets:

1. Coordinate with UC Davis staff to provide parking on campus for any project developments that will house University functions.

2. Provide a local car-share program, in conjunction with the University, the Yolo TMA, and other interested agencies, to reduce the need for individual car ownership by project residents and residents of the greater project vicinity.

3. Consider Redevelopment Agency participation in combination with in-lieu fees to develop a consolidated parking facility.

4. Consider creating a new Central Park parking district that could provide parking in a series of smaller lots or in a centralized parking structure or lot at a location such as the new School District site at the north end of Central Park.

5. Consider reducing parking time limits and the installing parking meters on 3rd Street to maximize the use of on-street parking for commercial uses.

6. Work with the University to prepare a joint transportation and parking study for the neighborhood west of the campus, potentially including the entire Core Area.

7. Require provision of parking on site for all residential uses. Require provision of required parking on-site for all commercial uses unless an equivalent parking plan is submitted including consideration of new parking arrangements such as mechanically supported stacked parking, tandem parking, and electric car vehicle spaces/hookups through the design review process.

In-lieu fees must be paid prior to occupancy of new development.

Planning; Building Inspection

Payment of in-lieu parking fees is required prior to occupancy of the new development. The City must use the fees to mitigate parking impacts either by addressing demand or supply.

City staff shall coordinate with appropriate parties as indicated in each item of this measure, and shall undertake an assessment of the feasibility of each individual measure – including what can and should be done to implement the measure. City staff shall report back to Council regarding progress on each item.

Property owners; developers; builders (payment of fees); Public Works (expenditure on identified items)

**BO = Building Department**

**CCDD = Community Development Department**

**PWO = Public Works Department**

**YCTD = Yolo County Transportation District**

**USACOE = US Army Corps of Engineers**

**DFG = California Department of Fish and Game**

**USFWS = US Fish and Wildlife Service**

**SYMYCO = Sacramento-Yolo Mosquito Vector Control District**
<table>
<thead>
<tr>
<th>Impact 4.2.6: The project will add to the cumulative traffic growth at all intersections studied. The project will add to the cumulative traffic growth at all intersections studied.</th>
<th>8. Prepare a new shuttle system between the University and Downtown, and to provide a new shuttle system between the University and Downtown. The project requires the existing property at 100 B Street in accordance with the Secretary of Interior's guidelines for the preservation of historic properties.</th>
<th>Planning</th>
<th>Ongoing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 4.3: Future development or relocation of an individual resource designated as a landmark may result in an individual resource designated as a landmark. The project requires the existing property at 100 B Street in accordance with the Secretary of Interior's guidelines for the preservation of historic properties.</td>
<td>Mitigation Measure 4.3.1: Maintain the existing property at 100 B Street in accordance with the Secretary of Interior's guidelines for the preservation of historic properties.</td>
<td>Planning</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Mitigation Measure 4.3.2(a): Any modifications to the property at 100 B Street shall be developed and maintained in accordance with the Secretary of Interior's guidelines for the preservation of historic properties. Reconstructing Historic Buildings The requirements would be applied at the time of request for development.</td>
<td>Mitigation Measure 4.3.2(b): Maintain the structure at 337 4th Street on the site of the existing property at 100 B Street in accordance with the Secretary of Interior's guidelines for the preservation of historic properties.</td>
<td>Planning</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Mitigation Measure 4.3.3(a): Maintain the structure at 337 4th Street on the site of the existing property at 100 B Street in accordance with the Secretary of Interior's guidelines for the preservation of historic properties.</td>
<td>Mitigation Measure 4.3.3(b): Maintain the structure at 337 4th Street on the site of the existing property at 100 B Street in accordance with the Secretary of Interior's guidelines for the preservation of historic properties.</td>
<td>Planning</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Mitigation Measure 4.3.3(c): Maintain the structure at 337 4th Street on the site of the existing property at 100 B Street in accordance with the Secretary of Interior's guidelines for the preservation of historic properties.</td>
<td>Mitigation Measure 4.3.3(d): Maintain the structure at 337 4th Street on the site of the existing property at 100 B Street in accordance with the Secretary of Interior's guidelines for the preservation of historic properties.</td>
<td>Planning</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
the resource to retain its historic, character defining features, setting, and environment.

<table>
<thead>
<tr>
<th>Recommendation to the City Council:</th>
<th>b) The City Council will make a final determination.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The structure at 337 B is proposed to remain in its present location. The structure at 311 B Street is proposed to be moved to a site that must be demonstrated to meet the specified criteria, but for which a precise location is not known. The structure at 232 3rd Street is proposed to be relocated on the same parcel, facing University Avenue.</td>
<td></td>
</tr>
<tr>
<td>If 311 B Street is not moved to an acceptable site or retained in place, the residual impact would be significant and unavoidable. The City will be required to consider that as part of review of each subsequent development application.</td>
<td></td>
</tr>
<tr>
<td>If 337 B Street is not retained in place and/or moved to an acceptable site and/or if 232 3rd Street is not relocated in an acceptable manner on-site the residual impact in each case would be significant and unavoidable. The City will be required to consider that as a part of review of each subsequent development application.</td>
<td></td>
</tr>
<tr>
<td>Removal of all of the Merit Resources, Landmarks, and contributing resources in the project area was addressed in the EIR analysis in order to provide complete CEQA clearance as individual property owners may choose to request removal or relocation of structures in a manner than differs from the project assumptions. The subject EIR may be relied upon to make subsequent overriding findings for future projects on these properties should there be remaining unavoidable impacts.</td>
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</tr>
</tbody>
</table>

BD = Building Department  
CDD = Community Development Department  
PWD = Public Works Department  
YCTD = Yolo County Transportation District  
USACE = US Army Corps of Engineers  
DFG = California Department of Fish and Game  
USFWS = US Fish and Wildlife Service  
SYMVCD = Sacramento-Yolo Mosquito & Vector Control District  
City of Davis  
June 2007
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Ongoing</th>
<th>Planning</th>
<th>Property owners; developers; builders</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3-4.</td>
<td>The project may result in substantial alteration of an individual Merit Resource designated or eligible to be designated locally as a Merit Resource, considered to have high local historic value and integrity in both the structure and context of its immediate surroundings, that may result in loss of its Merit Resource status.</td>
<td>Mitigation Measure 4.3-4(a): Any modifications to a designated Merit Resource shall be developed and maintained in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. This requirement would be applied at the time of request for development approval.</td>
<td>Ongoing</td>
<td>Planning</td>
</tr>
<tr>
<td>4.3-5.</td>
<td>The project may result in the demolition or relocation of an individual pre-1945 Contributor resource not eligible for designation as a local Merit Resource or Landmark.</td>
<td>Mitigation Measure: None required.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>4.3-6.</td>
<td>The project may result in the substantial alteration of an individual pre-1945 Contributor not eligible for designation as a local Merit Resource or Landmark that may adjoin and have a potential adverse impact on the historic setting of a local Merit Resource or Landmark site.</td>
<td>Mitigation Measure: None required.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>4.3-7.</td>
<td>The project may result in demolition or relocation of a group of pre-1945 Contributor structures that may adversely impact the integrity of the historic setting of a designated Merit Resource or Landmark.</td>
<td>Mitigation Measure 4.3-7(a): Pursue relocation of the five contributor structures identified as a high priority for relocation to other appropriate sites within a traditional residential neighborhood located with the Conservation District.</td>
<td>Ongoing</td>
<td>Planning</td>
</tr>
<tr>
<td>4.3-8.</td>
<td>The project may result in substantial alteration of a group of pre-1945 Contributor structures that may adversely impact the integrity of the historic setting of a designated Merit Resource or Landmark.</td>
<td>Mitigation Measure: None required.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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| Impact 4.3-9: The project will result in a cumulative substantial change to the physical characteristics of a portion of the Davis Downtown and Traditional Residential Neighborhood Conservation District that will adversely affect the integrity of the historic setting of this portion of the district. |
| Mitigation Measure 4.3-9(a): All new development within the Conservation District will be subject to design review according to the adopted design guidelines for the Conservation District. All new development on eligible or designated historic resource sites or within 300 feet of such sites will also be reviewed by the Historic Resources Management Commission pursuant to Zoning Code Section 40.23.050 (i). |
| Mitigation Measure 4.3-9(b): Implement Mitigation Measure 4.4-5a. |
| Mitigation 4.3-9(c): Consider establishment of a Historic Impact Mitigation fee as compensation for demolition of designated historic resources or pre-1945 contributing structures with high integrity. Fees collected would be used for efforts or projects considered to strengthen the historic integrity of the Conservation District as a whole, such as: to facilitate relocation of historic structures to suitable sites; for purchase of historic properties and/or relocation sites; payment of full or partial relocation and rehabilitation costs; restoration or repair of historic structures; and payment for historic research and surveys. The use of historic mitigation fees to reimburse the Agency for the 3rd and J Street site or to contribute to purchase of another site shall be considered. |

| Impact 4.3-10: Removal of a group of contributing structures will remove the potential for the project area to be designated or listed as a historic district, or as a portion of a historic district. |
| Mitigation Measure: None available. |

### 4.4 Land Use and Aesthetics

| Impact 4.4-1: The project requires amendments to various adopted plans. |
| Mitigation Measure: None required. |

| Impact 4.4-2: The project requires amendments to various adopted regulations. |
| Mitigation Measure: None required. |

| Impact 4.4-3: Implementation of the project would result in changes in land use within the project area. |
| Mitigation Measure: None required. |

| Impact 4.4-4: Implementation of the project would result in increased density and intensity of development within the project area. |
| Mitigation Measure: None available. |

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City of Davis  
June 2007  
B and 3rd Streets Visioning Process  
Mitigation Monitoring Plan
### Mitigation Measure 4.4-5(a): The following items shall be incorporated into the design review for individual projects that move forward consistent with the Visioning Process:

1. Proposed massing, modulation, and setbacks shall be reviewed on a project basis with the goal of minimizing the appearance of bulk and mass of the new structures and impacts to sunlight and privacy on neighboring lots to the extent feasible;

2. An arborist report prepared by a qualified arborist documenting the location, species, size, and condition of trees on-site, accompanied with a mitigation plan for removal of any site trees, and plan to protect trees during construction activities, consistent with the provisions of the City's Tree Planting, Preservation and Protection Ordinance.

3. Replacement trees shall be approved species that have majestic canopies as maturity occurs and that can grow and mature successfully in the specific locations identified with minimized concerns regarding impacts to structures and foundations, and maintenance;

4. A pattern of evenly spaced street trees of the same or alternating canopy species shall be reinstated as trees are replaced, with the goal of replicating the sidewalk environment typical to the traditional shaded neighborhood streets;

5. Design shall reflect the "traditional neighborhood feel" of the area. Site design, architecture, and materials of new development shall be reviewed to assure sustainability, high quality, and timelessness of their design and construction to enhance the visual quality of the street. Proposed building designs and elevations shall be reviewed for compatibility with existing development. Character defining features of the project area should be identified and used to direct new design as far as material, form and scale.

6. Window placement and glazing shall be reviewed to minimize privacy impacts on adjoining properties, particularly those outside of but adjoining the project area. Proposed yard treatment shall be reviewed with the goal of minimizing impermeable yard coverage – e.g. permeable treatments of yard space shall be encouraged over non-permeable;

| Ongoing as a Part of any Design Review | Planning | The City shall incorporate the 7 identified items into design review undertaken within the project area. | Property owners, developers, builders |

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**CDD = Community Development Department**  
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7) Improvements to the pedestrian and public environment including sidewalks, landscape strips/tree grates, lighting, curb/gutter reconstruction, and alley improvements can enhance the aesthetic quality and function of the pedestrian environment within the project area. These improvements shall be completed as soon as possible as one cohesive, singular public project that allows for the pedestrian framework to be in place early and avoids piecemeal completion of these improvements as would occur if each property owner was responsible based on their own investment timetable. If phasing of these improvements is necessary, the phasing shall be minimized to the greatest feasible extent.

<table>
<thead>
<tr>
<th>Impact 4.5-1</th>
<th>Mitigation Measure: None required.</th>
<th>Mitigation Measure 4.5-2(a): The following noise attenuation measures are required for all new construction/development in the project area:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 4.5-2</td>
<td>Mitigation Measure 4.5-2(b): Reduce exposure to exterior noise levels through site design, building placement and interior building layout where feasible.</td>
<td>Must be reflected on plans prior to construction. Planning; Building Inspection</td>
</tr>
<tr>
<td>Impact 4.5-3</td>
<td>Mitigation Measure 4.5-3(a) - Owners and tenants of new residential units within the project area shall be informed that special events at Toomey Field and/or Central Park may generate noise levels which vary and may approach or exceed the City's noise ordinance standards.</td>
<td>Ongoing Planning; City Attorney Through deed, escrow, or lease/rental disclosures subject to approval by the City Community Development Director or City Attorney.</td>
</tr>
</tbody>
</table>

**Mitigation Monitoring Plan**

**City of Davis**

June 2007
| Impact 4.5-4: The proposed project would create new commercial, office and residential uses which would contribute to ambient noise levels. | Mitigation Measure 4.5-4(a): Applicants for commercial projects within the project area shall be required to ensure that feasible and reasonable noise control measures are incorporated into the project design so as to mitigate noise impacts on adjoining residential uses. Such noise control measures may include, but not be limited to, use of noise barriers, site-redesign, silencers, partial or complete enclosures of noisy equipment, etc. Mitigation Measure 4.5-4(b): HVAC equipment for commercial uses within the project area shall be placed as far as feasible from residential uses and shall be located within mechanical rooms where possible or screened from view through the use of building parapets or other solid noise barriers/enclosures. Mitigation Measure 4.5-4(c): Commercial parking lots shall be shielded from the residential uses through the use of intervening structures or solid noise barriers. | Ongoing as each property redevelops | Planning | Shall apply to all commercial projects as specified. Acoustical analysis may be required on a project-by-project basis. | Property owners; developers; builders |
| Impact 4.5-5: Activities associated with construction could result in elevated noise levels at existing noise-sensitive uses. | Mitigation Measure: None required. | N/A | N/A | N/A |
The California Environmental Quality Act requires public agencies to report on and monitor measures adopted as part of the environmental review process (Section 21081.6, Public Resources Code [PRC]; Section 15097 of the CEQA Guidelines). This Mitigation Monitoring Plan (MMP) is designed to ensure that the measures identified in the Environmental Impact Report, as adopted by the City Council, are fully implemented. The MMP describes the actions that must take place as part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The City has the ultimate responsibility to oversee implementation of this Plan. The Community Development Director serves as the Project Monitor responsible for assigning monitoring actions to responsible agencies. Unless otherwise stated herein, the Project Monitor is responsible for tracking the overall progress towards and implementation of each action.

As required by Section 21081.6 of the PRC, the Davis Community Development Department is the "custodian of documents and other material" which constitute the "record of proceedings" upon which a decision to approve the proposed project was based. Inquiries should be directed to:

Community Development Director  
City of Davis  
530-757-5610

The location of this information is:

Davis City Hall  
Community Development Department  
23 Russell Boulevard  
Davis, California 95616

In order to assist implementation of the mitigation measures, the MMP includes the following information:

**Mitigation Measure:** The mitigation measures are taken verbatim from the FEIR or as ultimately adopted by the City Council.

**Timing/Milestone:** This section specifies the point by which the measure must be completed. Each action must take place during or prior to some part of the project development or approval.

**Responsibility for Oversight:** The City has responsibility for implementation of most mitigation measures. This section indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.

**Implementation of Mitigation Measure:** This section identifies how actions will be implemented and verified.

**Responsibility for Implementation:** This section identifies the entity that will undertake the required action.

**Checkoff Date/Initials:** This verifies that each mitigation measure has been implemented.
<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Adopted Mitigation Measures</th>
<th>Timing/ Milestone</th>
<th>Responsibility for Oversight</th>
<th>Implementation of Mitigation Measure</th>
<th>Responsibility for Implementation</th>
<th>Checkoff Date/Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural Resources</td>
<td>IS-1: If subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.</td>
<td>During all periods of subsurface disturbance (including during grading, construction of infrastructure, and construction of each building)</td>
<td>Planning; Building Inspection; Public Works; Yolo County Coroner; NAHC</td>
<td>If human remains are found, all grading and activity in the immediate area shall cease, the find shall be left in place, and the applicant shall immediately notify the Yolo County Coroner at (530) 666-6282 and the Community Development Department at (530) 757-5610 to assess the find and determine how to proceed. If the remains are found to be of Native American descent, the Native American Heritage Commission shall also be notified at (916) 653-4062, pursuant to the terms of the measure. If other archaeological or cultural resources are found, all grading and activity in the immediate area shall cease, the finds shall be left in place, and the project archaeologist and the Community Development Department shall be contacted to assess the find and determine how to proceed.</td>
<td>Property owners; developers; builders</td>
<td></td>
</tr>
<tr>
<td></td>
<td>IS-2: Property owners shall arrange for a qualified archaeologist acceptable to the Community Development Department to be on the site during all periods of subsurface disturbance.</td>
<td>During all periods of subsurface disturbance. (including during grading, construction of infrastructure, and construction of each building)</td>
<td>Planning</td>
<td>During grading, construction of infrastructure, and construction of each building a qualified archaeologist would need to be present. In order to implement this, City sign-off on qualifications and an executed contract with the professional will need to be in place prior to commencement of site disturbance aspects of any given project in the project area.</td>
<td>Property owners; developers; builders</td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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</tr>
</tbody>
</table>

The proposed project will be designed and constructed to comply with the applicable building codes, fire codes, and other regulations. The project will be reviewed by the appropriate agencies to ensure that it meets the necessary standards. The project will be constructed in phases to minimize disruption to the surrounding area. The project is expected to be completed within the estimated time frame. The project will be monitored throughout construction to ensure that it meets the requirements of the project plan. The project will be inspected by the appropriate agencies to ensure that it meets the necessary standards. The project will be opened for public use upon completion.

The project will be designed to be accessible to the public. The project will be designed to be environmentally friendly. The project will be designed to be sustainable. The project will be designed to be cost-effective. The project will be designed to be maintainable. The project will be designed to be safe. The project will be designed to be secure. The project will be designed to be efficient. The project will be designed to be user-friendly. The project will be designed to be durable. The project will be designed to be aesthetically pleasing.
| Impact 4.2-4: The proposed project would increase pedestrian and bicycle usage of alleys, creating the potential for conflict with vehicles using the alleys. | Mitigation Measure: None required. | N/A | N/A | N/A |
| Mitigation Measure 4.2-5: Consistent with the CASP policies and the Traditional Davis Downtown and Residential Design Guidelines, the City shall use any in-lieu fees collected from new developments in the project area to fund some or all of the following efforts aimed at serving the travel demand in the project area while minimizing parking on-site or on adjacent neighborhood streets: | In-lieu fees must be paid prior to occupancy of new development | Planning; Building Inspection | Payment of in-lieu parking fees is required prior to occupancy of new development. The City must use the fees to mitigate parking impacts either by addressing demand or supply. City staff shall coordinate with appropriate parties as indicated in each item of this measure, and shall undertake an assessment of the feasibility of each individual measure – including what can and should be done to implement the measure. City staff shall report back to Council regarding progress on each item. | N/A | Property owners; developers; builders (payment of fees); Public Works (expenditure on identified items) |

**Notes:**

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- Community Development Department (CDD)
- Public Works Department (PWD)
- Yolo County Transportation District (YCTD)
- US Army Corps of Engineers (USACOE)
- California Department of Fish and Game (DFG)
- US Fish and Wildlife Service (USFWS)
- Sacramento-Yolo Mosquito Vector Control District (SYMCD)
### Impact 4.3 Historic Resources

| Impact 4.2-6: The project will add to the cumulative traffic growth at intersections in the area, but will not cause an unacceptable LOS or trigger signal warrant at any of the intersections studied. | Mitigation Measure: None required. | N/A | N/A | N/A | N/A |

| Impact 4.3-1: Future redevelopment may result in demolition or relocation of an individual resource designated or eligible to be designated locally as a Landmark. | Mitigation Measure 4.3.1(a): Retain the existing structure at 301 B Street on-site. | Ongoing | Planning | The EIR analyzes the importance of all potential historical structures within the project area under the assumption that all of them may be demolished as an outcome of redevelopment within the project area. The structure at 301 B Street is considered eligible for designation as a Landmark structure. The mitigation requires preservation on-site which reduces impact to a less-than-significant level. Should the structure ultimately be demolished, this impact would remain significant and unavoidable and new CEQA findings would need to be made by the City Council. | Property owners; developers; builders |

| Impact 4.3-2: The project may result in additions or alterations resulting in a substantial adverse change to the physical characteristics of an individual resource designated or eligible to be designated locally as a Landmark that would result in loss of its Landmark status. | Mitigation Measure 4.3.2(a): Any modifications to the property at 301 B Street shall be developed and maintained in accordance with the Secretary of Interior’s Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. This requirement would be applied at the time of request for development approval. | Ongoing | Planning | This would apply to any exterior modifications to 301 B Street. | Property owners; developers; builders |

| Impact 4.3.3: The project may result in demolition or relocation of an individual resource designated or eligible to be designated locally as a Merit Resource that is considered to have high local historic value and integrity in both the structure and context of its immediate surroundings. | Mitigation Measure 4.3.3(a): Retain the structure at 337 B Street on site, or relocate to another site that allows the resource to retain its historic character defining features, setting and environment. Mitigation Measure 4.3.3(b): Retain the structure at 311 B Street on site or relocate to another site that allows the resource to retain its historic character defining features, setting and environment. | Ongoing | Planning | The following process to be used to reach a conclusion about the adequacy of any given relocation site: a) The applicant will identify reasonably and feasibly available sites. Sites disqualified by the applicant must be identified and substantiated to the satisfaction of the City. b) A qualified cultural resources specialist acceptable to the City will provide a substantiated written opinion regarding whether the sites would | Property owners; developers; builders |

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*Resolution 07-093*  
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Mitigation Measure 4.3-3(c): Retain the structure at 232 3rd Street on site or relocate to another site that allows the resource to retain its historic, character defining features, setting, and environment.

meet the specified criteria; c) The HRMA will review the report and provide a recommendation to the City Council; d) The City Council will make a final determination.

The structure at 337 B is proposed to remain in its present location. The structure at 311 B Street is proposed to be moved to a site that must be demonstrated to meet the specified criteria, but for which a precise location is not known. The structure at 232 3rd Street is proposed to be relocated on the same parcel, facing University Avenue.

If 311 B Street is not moved to an acceptable site or retained in place, the residual impact would be significant and unavoidable. The City will be required to consider that as a part of review of each subsequent development application.

If 337 B Street is not retained in place and/or moved to an acceptable site and/or if 232 3rd Street is not relocated in an acceptable manner on-site, the residual impact in each case would be significant and unavoidable. The City will be required to consider that as a part of review of each subsequent development application.

Removal of all of the Meni Resources, Landmarks, and contributing resources in the project area was addressed in the EIR analysis in order to provide complete CEQA clearance as individual property owners may choose to request removal or relocation of structures in a manner than differs from the project assumptions. The subject EIR may be relied upon to make subsequent overriding findings for future projects on these properties should there be remaining unavoidable impacts.
<table>
<thead>
<tr>
<th>Impact 4.3-4: The project may result in substantial alteration of an individual resource designated or eligible to be designated locally as a Merit Resource, considered to have high local historic value and integrity in both the structure and context of its immediate surroundings, that may result in loss of its Merit Resource status.</th>
<th>Mitigation Measure 4.3-4(a): Any modifications to a designated Merit Resource shall be developed and maintained in accordance “The Secretary of Interior’s Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.” This requirement would be applied at the time of request for development approval.</th>
<th>Ongoing</th>
<th>Planning</th>
<th>This would apply to any exterior modifications to 337 B Street and 232 3rd Street, and to 311 B Street. The impact and the mitigation measure would not be applicable if one of the identified structures were removed.</th>
<th>Property owners; developers; builders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 4.3-5: The project may result in the demolition or relocation of an individual pre-1945 Contributor resource not eligible for designation as a local Merit Resource or Landmark.</td>
<td>Mitigation Measure: None required.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Impact 4.3-6: The project may result in the substantial alteration of an individual pre-1945 Contributor not eligible for designation as a local Merit Resource or Landmark that may adjoin and have a potential adverse impact on the historic setting of a local Merit Resource or Landmark site.</td>
<td>Mitigation Measure: None required.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Impact 4.3-7: The project may result in demolition or relocation of a group of pre-1945 Contributor structures that may adversely impact the integrity of the historic setting of a designated Merit Resource or Landmark.</td>
<td>Mitigation Measure 4.3-7(a): Pursue relocation of the five contributor structures identified as a high priority for relocation to other appropriate sites within a traditional residential neighborhood located with the Conservation District.</td>
<td>Ongoing</td>
<td>Planning</td>
<td>The EIR analyzes the importance of all potential historical structures within the project area under the assumption that all of them may be demolished as an outcome of redevelopment within the project area. The structures at 225 B St., 229 B St., 311 B St., 315 B St., and 319 B St. are identified as “high priority for relocation”. The mitigation recommends relocation of these five structures. Landowners will be required to demonstrate, to the satisfaction of the City Community Development Director, a reasonable effort to satisfy this mitigation measure for each of the five identified structures. The Historical Resources Management Commission also identified the structures at 235 and 236 3rd Street as high priorities, which will be subject to similar requirements under standard conditions of approval.</td>
<td>Property owners; developers; builders</td>
</tr>
<tr>
<td>Impact 4.3-8: The project may result in substantial alteration of a group of pre-1945 Contributor structures that may adversely impact the integrity of the historic setting of a designated Merit Resource or Landmark.</td>
<td>Mitigation Measure: None required.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<th>Resource or Landmark.</th>
<th>Mitigation Measure 4.3-9(a): All new development within the Conservation District will be subject to design review according to the adopted design guidelines for the Conservation District. All new development on eligible or designated historic resource sites or within 300 feet of such sites will also be reviewed by the Historic Resources Management Commission pursuant to Zoning Code Section 40.23.050 (l).</th>
<th>Ongoing</th>
<th>Planning; HRMC</th>
<th>Applies to all development within the project area that falls within the Conservation District and all new development on or within 300 feet of designated or eligible Landmark, Mert, or Contributing structures. Implementation per the terms of the measure.</th>
<th>Property owners; developers; builders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 4.3-9: The project will result in a cumulative substantial change to the physical characteristics of a portion of the Davis Downtown and Traditional Residential Neighborhood Conservation District that will adversely affect the integrity of the historic setting of this portion of the district.</td>
<td>Mitigation Measure 4.3-9(b): Implement Mitigation Measure 4.4-5a. Mitigation 4.3-9(c): Consider establishment of a Historic Impact Mitigation fee as compensation for demolition of designated historic resources or pre-1945 contributor structures with high integrity. Fees collected would be used for efforts or projects considered to strengthen the historic integrity of the Conservation District as a whole, such as: to facilitate relocation of historic structures to suitable sites, for purchase of historic properties and/or relocation sites, payment of full or partial relocation and rehabilitation costs, restoration or repair of historic resources, and payment for historic research and surveys. The use of historic mitigation fees to reimburse the Agency for the 3rd and J Street site or to contribute to purchase of another site shall be considered.</td>
<td>See MM 4.4-5a See MM 4.4-5a See MM 4.4-5a</td>
<td></td>
<td>See MM 4.4-5a</td>
<td></td>
</tr>
<tr>
<td>Impact 4.3-10: Removal of a group of contributing structures will remove the potential for the project area to be designated or listed as a historic district, or as a portion of a historic district.</td>
<td>Mitigation Measure: None available.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### 4.4 Land Use and Aesthetics

| Impact 4.4-1: The project requires amendments to various adopted plans. | Mitigation Measure: None required. | N/A | N/A | N/A | N/A |
| Impact 4.4-2: The project requires amendments to various adopted regulations. | Mitigation Measure: None required. | N/A | N/A | N/A | N/A |
| Impact 4.4-3: Implementation of the project would result in changes in land use within the project area. | Mitigation Measure: None required. | N/A | N/A | N/A | N/A |
| Impact 4.4-4: Implementation of the project would result in increased density and intensity of development | Mitigation Measure: None available. | N/A | N/A | N/A | N/A |

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within the project area.

| Impact 4.4-5: Implementation of the project would result in a change in the existing visual character and quality within and adjoining the project area. |
| Mitigation Measure 4.4-5(a): The following items shall be incorporated into the design review for individual projects that move forward consistent with the Visioning Process: |
| 1) Proposed massing, modulation, and setbacks shall be reviewed on a project basis with the goal of minimizing the appearance of bulk and mass of the new structures and impacts to sunlight and privacy on neighboring lots to the extent feasible; |
| 2) An arborist report prepared by a qualified arborist documenting the location, species, size, and condition of trees on-site, accompanied with a mitigation plan for removal of any site trees, and plan to protect trees during construction activities, consistent with the provisions of the City's Tree Planting, Preservation and Protection Ordinance. |
| 3) Replacement trees shall be approved species that have majestic canopies as maturity occurs and that can grow and mature successfully in the specific locations identified with minimized concerns regarding impacts to structures and foundations and maintenance; |
| 4) A pattern of evenly spaced street trees of the same or alternating canopy species shall be reinstated as trees are replaced, with the goal of replicating the sidewalk environment typical to the traditional shaded neighborhood streets; |
| 5) Design shall reflect the "traditional neighborhood feel" of the area. Site design, architecture, and materials of new development shall be reviewed to assure sustainability, high quality, and timelessness of their design and construction to enhance the visual quality of the street. Proposed building designs and elevations shall be reviewed for compatibility with existing development. Character defining features of the project area should be identified and used to direct new design as far as material, form and scale. |
| 6) Window placement and glazing shall be reviewed to minimize privacy impacts on adjoining properties, particularly those outside of but adjoining the project area. Proposed yard treatment shall be reviewed with the goal of minimizing impermeable yard coverage - e.g. permeable treatments of yard space shall be | Ongoing as a part of any Design Review | Planning | The City shall incorporate the 7 identified items into design review undertaken within the project area. | Property owners; developers; builders |

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4.5 Noise

<table>
<thead>
<tr>
<th>Impact 4.5-1: The proposed project would result in an increase in traffic noise levels at existing noise-sensitive uses in the project vicinity.</th>
<th>Mitigation Measure: None required.</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
</table>

Impact 4.5-2: The proposed project could expose new residences to traffic noise levels that exceed the City of Davis exterior and interior noise level standards.

Mitigation Measure 4.5-2(a). The following noise attenuation measures are required for all new construction/development in the project area:

1) All windows and sliding glass doors should be weather stripped or mounted in low air-infiltration design frames meeting ANSI air infiltration standards. Standard energy-conserving building practices will satisfy this requirement.

2) Noise insulation features shall be incorporated into building construction and site improvement as may be necessary to ensure interior noise levels no greater than 45 dBA for residential and 55 for non-residential space.

Mitigation Measure 4.5-2(b): Reduce exposure to exterior noise levels through site design, building placement and interior building layout where feasible.

Mitigation Measure 4.5-3(a): Owners and tenants of new residential units within the project area shall be informed that special events at Toomey Field and/or Central Park will occur. The City of Davis shall provide information to residents and tenants about noise levels associated with these events.

| Mitigation Measure 4.5-3(b): | Ongoing | Planning, City | Through deed, escrow, or lease/rental disclosures subject to approval by the City | Property owners; developers; builders |

Monitoring of interior space to achieve identified thresholds, to the satisfaction of the City Community Development Director, shall occur prior to occupancy. These items shall be addressed early in the design review process prior to approval of construction plans.

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<thead>
<tr>
<th>Impact 4.5-4: The proposed project would create new commercial, office and residential uses which would contribute to ambient noise levels.</th>
<th>Mitigation Measure 4.5-4(a): Applicants for commercial projects within the project area shall be required to ensure that feasible and reasonable noise control measures are incorporated into the project design so as to mitigate noise impacts on adjoining residential uses. Such noise control measures may include, but not be limited to, use of noise barriers, site-redesign, silencers, partial or complete enclosures of noisy equipment, etc. Mitigation Measure 4.5-4(b): HVAC equipment for commercial uses within the project area shall be placed as far as feasible from residential uses and shall be located within mechanical rooms where possible or screened from view through the use of building parapets or other solid noise barriers/enclosures. Mitigation Measure 4.5-4(c): Commercial parking lots shall be shielded from the residential uses through the use of intervening structures or solid noise barriers.</th>
<th>Attorney</th>
<th>Community Development Director or City Attorney.</th>
<th>developers; builders</th>
<th>Planning</th>
<th>Shall apply to all commercial projects as specified. Acoustical analysis may be required on a project-by-project basis.</th>
<th>Property owners: developers; builders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 4.5-5: Activities associated with construction could result in elevated noise levels at existing noise-sensitive uses.</td>
<td>Mitigation Measure: None required.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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**B and 3rd Streets Visioning Process**

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