

ATTACHMENT #2

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS FINDING THE DAVIS LIVE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 21094.5 AND 21155.1 AND CEQA GUIDELINES SECTION 15183.3

WHEREAS, Oxford LLC proposes to build a 71-unit student-oriented housing project at an infill site located at 525 Oxford Circle (“Project”); and

WHEREAS, the Project requires the approval of a General Plan Amendment, Rezone of the Project site from Residential, High Density to Planned Development, Final Planned Development, a Development Agreement, and Site Plan and Architectural Review; and

WHEREAS, the City has determined and the Sacramento Area Council of Governments has confirmed that the Project is consistent with SACOG’s Metropolitan Transportation Plan/Sustainable Communities Strategy for 2036; and

WHEREAS, the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq., (“CEQA”)) exempts from further environmental review infill projects whose potentially significant effects were analyzed in a prior environmental impact report prepared for a planning level decision (“planning level EIR”), provided: 1) the project satisfies the criteria set forth in Appendix M to the CEQA guidelines (“Appendix M criteria”); and 2) any effects that were either not studied, or are more significant than those studied in the planning level EIR are substantially mitigated by uniformly applicable development policies (Pub. Resources Code, § 21094.5(a); CEQA Guidelines, § 15183.3(c).); and

WHEREAS, Attachment 6 (Davis Live Project Appendix N Infill Environmental Checklist) to the July 25, 2018 Planning Commission Staff Report for the Project (the “Planning Commission Staff Report”) demonstrates that the Project satisfies all of the Appendix M criteria; and

WHEREAS, as set forth in Attachment 6 to the Planning Commission Staff Report and Attachment A to this Resolution, all of the significant and potentially significant effects of the Project were either analyzed in the Environmental Impact Report prepared for the City of Davis General Plan (SCH#1999072014) or are substantially mitigated by uniformly applicable development policies in the City of Davis General Plan, the Sacramento Area Council of Governments’ EIR for the 2016 Metropolitan Transportation Plan/Sustainable Communities Strategy (SCH#2014062060), the City of Davis Municipal Code, or statewide regulations; and

WHEREAS, CEQA also exempts from further environmental review transit priority projects satisfying the criteria set forth in Public Resources Code section 21155.1 including showing that: 1) utilities and service systems are available to serve the project; 2) the project site does not include wetlands or riparian areas; 3) the subject site is not included on any list of facilities and sites compiled to have hazards and hazardous materials; 4) the existence of any release of a hazardous substance on the site and potential for exposure of future occupants to significant health hazards has been analyzed and mitigated; 5) the subject site does not have a significant effect on historical resources; 6) the subject site is not subject to wildland fire hazard,

unusual high risk of fire or explosion, risk of public health exposure, seismic risk, or landslide hazard; 7) the subject site is not located on developed open space; and 8) the subject site is 15 percent more energy efficient than required by Chapter 6 of Title 24 of California Code of Regulations and 25 percent more water efficient than other households in the region; and

WHEREAS, Attachment 7 to the Planning Commission Staff Report (Public Resources Code Section 21155.1 Transit Priority Project Statutory Exemption Consistency Analysis for the Davis Live Project) demonstrates that the project satisfies all of the criteria set forth in Public Resources Code section 21155.1, and therefore qualifies as a Transit Priority Project exempt from further environmental review.;

NOW, THEREFORE, BE IT RESOLVED, that the City of Davis City Council does hereby make the following findings:

1. All applicable General Plan policies, MTP/SCS Mitigation Measures, and other uniformly applicable development policies set forth in Attachment 7 to the Planning Commission Staff Report are adopted as part of this Project approval.
2. The uniformly applicable development policies set forth in Attachment 7 to the Planning Commission Staff Report and Attachment A to this Resolution substantially mitigate the significant effects of the Project and the uniformly applicable development policies are adopted as part of the Project approval.
3. The entire record before the Council, including the information and analysis included in Attachment 6 to the Planning Commission Staff Report demonstrates that the Project satisfies all of the infill project criteria set forth in Public Resources Code section 21094.5; CEQA Guidelines section 15183.3; and CEQA Guidelines Appendix M. Therefore, the Council finds the Project is exempt from further environmental review pursuant to Public Resources Code section 21094.5 and CEQA Guidelines section 15183.3.
4. The entire record before the Council, including the information and analysis included in Attachment 7 to the Planning Commission Staff Report, demonstrates that the Project is a transit priority project as defined by Public Resources Code section 21155(b), and meets all of the requirements set forth in subdivisions (a) and (b), and subparagraph (1) of subdivision (c) of Public Resources Code section 21155.1 and therefore, the Project constitutes a sustainable communities project that is exempt from further environmental review pursuant to Public Resources Code section 21155.1.

AYES:

NOES:

ABSENT:

Brett Lee, Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

Attachment A

Findings

Public Resources Code section 21094.5 exempts from further environmental review projects whose potential environmental effects were either analyzed in a prior environmental impact report (EIR) for a planning level decision, or are mitigated by uniformly applicable development policies or standards. Planning level decisions are enactments or amendment of general plans or any general plan elements, community plan, specific plan, or zoning code. (CEQA Guidelines, § 15183.3 (f).) In this case, the City of Davis General Plan EIR constitutes the EIR for the planning level decision. Uniformly applicable development policies or standards are “policies or standards adopted or enacted by a city or county, or by a lead agency, that reduce one or more adverse environmental effects”. Examples of uniformly applicable development policies or standards include, but are not limited to:

- (A) Regulations governing construction activities, including noise regulations, dust control, provisions for discovery of archeological and paleontological resources, stormwater runoff treatment and containment, protection against the release of hazardous materials, recycling of construction and demolition waste, temporary street closure, and traffic rerouting, and similar regulations.
- (B) Requirements in locally adopted building, grading and stormwater codes.
- (C) Design guidelines.
- (D) Requirements for protecting residents from sources of air pollution including high volume roadways and stationary sources.
- (E) Impact fee programs to provide public improvements, police, fire, parks and other open space, libraries and other public services and infrastructure, including transit, bicycle and pedestrian infrastructure and traffic calming devices.
- (F) Traffic impact fees.
- (G) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.
- (H) Ordinances addressing protection of urban trees and historic resources.

(CEQA Guidelines, 15183.3(f)(7).)

The uniformly applicable development policies or standards for this analysis are the MTP/SCS, City of Davis Municipal Code, City of Davis Multi-Hazard Functional Planning Guide, City of Davis Organics Program, Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), Senate Bill 50, Government Code section 65995, Health and Safety Code sections 7050-7052 and 8010-8011, Public Resources Code section 5097.98, Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, California Air Resources Board (ARB) 2016 In-Use Off-Road Diesel Vehicle Regulation, California Green Building Standards Code Tier 1, Yolo-Solano Air Quality Management District (YSAQMD) rules and regulations

(including but not limited to Regulation IX, Rule 3-13, and Rule 3-25), and other applicable state laws and regulations set forth below.

The Davis Live Project is exempt from further environmental review pursuant to Public Resources Code section 21094.5 and CEQA Guidelines section 15183.3. All of the project's potentially significant environmental effects fall into one of four categories:

- I. No Impact
- II. Analyzed in the General Plan EIR and not more significant than analyzed in the General Plan EIR.
- III. More significant than analyzed in the General Plan EIR, but substantially mitigated by uniformly applicable development policies or standards.
- IV. Not analyzed in the General Plan EIR, but substantially mitigated by uniformly applicable development policies or standards.

The project's potentially significant environmental effects under each of these categories are listed below.

I. No Impact

A. Aesthetics

- Have a substantial adverse effect on a scenic vista. (I.a.)
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. (I.b.)

B. Agriculture and Forest Resources

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use. (II.a.)
- Conflict with existing zoning for agricultural use, or a Williamson Act contract. (II.b.)
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). (II.c.)
- Result in the loss of forest land or conversion of forest land to non-forest use. (II.d.)
- Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use. (II.e.)

C. Cultural Resources

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. (V.a.)

D. Geology and Soils

- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (VI.e.)

E. GHG Emissions

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (VII.a.)
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. (VII.b.)

F. Hazards and Hazardous Materials

- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. (VIII.b.)
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (VIII.c.)
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment. (VIII.d.)
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, if the project would result in a safety hazard for people residing or working in the project area. (VIII.e.)
- For a project within the vicinity of a private airstrip, if the project would result in a safety hazard for people residing or working in the project area. (VIII.f.)
- Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (VIII.h.)

G. Hydrology and Water Quality

- Inundation by seiche, tsunami, or mudflow. (IX.j.)

H. Land Use Planning

- Physically divide an established community. (X.a.)

I. Mineral Resources

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. (XI.a.)
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. (XI.b.)

J. Noise

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would it expose people residing or working in the project area to excessive noise levels. (XII.e.)
- For a project within the vicinity of a private airstrip, would it expose people residing or working in the project area to excessive noise levels. (XII.f.)

K. Population and Housing

- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. (XIII.b.)
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (XIII.c.)

II. Impacts analyzed in the General Plan EIR.

A. Aesthetics

- Substantially degrade the existing visual character or quality of the site and its surroundings. (I.c.)
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (I.d.)

B. Air Quality

- Conflict with or obstruct implementation of the applicable air quality plan. (III.a.)
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation. (III.b.)

Although there are no project specific effects or more significant effects than studied in the General Plan EIR, the proposed project adopts the relevant YSAQMD uniformly applicable development policies and standards set forth in Condition of Approval 55.

- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). (III.c.)

C. Biological Resources

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (IV.a.)

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. (IV.b.)
- Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (IV.c.)
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (IV.e.)

D. Cultural Resources

- Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 (V.b.)
- Directly or indirectly destroy a unique paleontological resource on site or unique geologic features. (V.c.)

E. Geology and Soils

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault. (VI.a.i.)
 - Strong seismic ground shaking. (VI.a.ii.)
- Result in substantial soil erosion or the loss of topsoil. (VI.b.)
- Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code. (VI.d.)

F. Hazards and Hazardous Materials

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (VIII.a.)

G. Hydrology and Water Quality

- Violate any water quality standards or waste discharge requirements. (IX.a.)
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). (IX.b.)

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. (IX.c.)
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. (IX.d.)
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (IX.e.)
- Otherwise substantially degrade water quality. (IX.f.)
- Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. (IX.g.)
- Place within a 100-year floodplain structures which would impede or redirect flood flows. (IX.h.)
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. (IX.i)

H. Land Use Planning

- Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect. (X.b.)

I. Noise

- Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (XII.a.)
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (XII.c.)
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. (XII.d.)

J. Population and Housing

- Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure). (XIII.a.)

K. Public Services

- Fire protection. (XIV.a.)

- Police protection. (XIV.b.)
- Schools. (XIV.c.)
- Parks. (XIV.d.)
- Other Public Facilities. (XIV.e.)

L. Recreation

- If the project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (XV.a.)
- If the project includes recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. (XV.b.)

M. Transportation/Traffic

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (XVI.a.)
- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. (XVI.b.)
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. (XVI.c.)
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (XVI.f.)

N. Utilities and Service Systems

- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (XVII.c.)

O. Mandatory Findings of Significance

- If the project would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or

animal or eliminate important examples of the major periods of California history or prehistory. (XVIII.a.)

- If the project would have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and probable future projects). (XVIII.b.)
- If the project would have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. (XVIII.c.)

III. Project impacts are more significant than analyzed in the General Plan EIR, but the effect is substantially mitigated by a uniformly applicable development policy or standard.

A. Air Quality

- Expose sensitive receptors to substantial pollutant concentrations. (III.d.)

For the reasons set forth on pages 29-35 of Attachment 6, compliance with the following uniformly applicable standards substantially mitigates the significant effect of the project:

MTP/SCS Mitigation Measure AIR-1: Adhere to ARB Handbook siting guidance to the maximum extent possible.

B. Utilities and Service Systems

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. (XVII.a.)

For the reasons set forth on pages 125-128 of Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure USS-2: Implement Mitigation Measure PS-1.
- MTP/SCS Mitigation Measure PS-1: Ensure adequate public services and utilities will be available to satisfy applicable service levels.
 - The implementing agency shall ensure that public services and utilities will be available to meet or satisfy applicable service levels. This shall be documented in the form of a capacity analysis or provider will-serve letter.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (XVII.b.)

For the reasons set forth on pages 125-128 of Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure USS-2: Implement Mitigation Measure PS-1.
- MTP/SCS Mitigation Measure PS-1: Ensure adequate public services and utilities will be available to satisfy applicable service levels.
 - The implementing agency shall ensure that public services and utilities will be available to meet or satisfy applicable service levels. This shall be documented in the form of a capacity analysis or provider will-serve letter.
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed. (XVII.d.)

For the reasons set forth on pages 125-128 of Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure USS-2: Implement Mitigation Measure PS-1.
- MTP/SCS Mitigation Measure PS-1: Ensure adequate public services and utilities will be available to satisfy applicable service levels.
 - The implementing agency shall ensure that public services and utilities will be available to meet or satisfy applicable service levels. This shall be documented in the form of a capacity analysis or provider will-serve letter.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (XVII.e.)

For the reasons set forth on pages 125-128 of Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure USS-2: Implement Mitigation Measure PS-1.
- MTP/SCS Mitigation Measure PS-1: Ensure adequate public services and utilities will be available to satisfy applicable service levels.
 - The implementing agency shall ensure that public services and utilities will be available to meet or satisfy applicable service levels. This shall be documented in the form of a capacity analysis or provider will-serve letter.

IV. Impacts not analyzed in the General Plan but substantially mitigated by uniformly applicable development standards.

A. Air Quality

- Create objectionable odors affecting a substantial number of people? (III.e.)

For the reasons set forth on pages 35-36 of Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure AIR-1: Adhere to ARB Handbook siting guidance to the maximum extent possible.
- Chapter 24 of the City of Davis Municipal Code.
- California Air Resources Board 2016 In-Use Off-Road Diesel Vehicle Regulation.
- YSAQMD rules and regulations (including but not limited to Regulation IX, Rule 3-13, and Rule 3-25).

B. Biological Resources

- Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. (IV.d.)

For the reasons set forth on pages 42-43 of Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure BIO-2: Avoid, minimize, and mitigate impacts to wildlife corridors or native wildlife nursery sites.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan. (IV.f.)

For the reasons set forth on page 44 of Attachment 6, the following uniformly applicable Yolo HCP/NCCP area project uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- Yolo HCP/NCCP Avoidance and Minimization Measure AMM1: Establish Buffers.
- Yolo HCP/NCCP Avoidance and Minimization Measure AMM5: Control Fugitive Dust.
- Yolo HCP/NCCP Avoidance and Minimization Measure AMM6: Conduct Worker Training.
- Yolo HCP/NCCP Avoidance and Minimization Measure AMM7: Control Night-Time Lighting of Project Construction Sites.
- Yolo HCP/NCCP Avoidance and Minimization Measure AMM15: Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite.

C. Cultural Resources

- Disturb any human remains, including those interred outside of formal cemeteries. (V.d.)

For the reasons set forth on page 57 of Attachment 6, the following uniformly applicable development standards would substantially mitigate the significant effect of the project:

- Health and Safety Code sections 7050-7052.
- Public Resources Code section 5097.98 – Disturbance of Human Remains.
- Health and Safety Code sections 8010-8011 – California Native American Graves Protection and Repatriation Act.
- 7Native American Graves Protection and Repatriation Act (NAGPRA) of 1990.

D. Geology and Soils

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Seismic-related ground failure, including liquefaction. (VI.a.iii.)
 - Landslides. (VI.a.iv.)

For the reasons set forth on pages 63-64 of Attachment 6, the following uniformly applicable development standards substantially mitigate the significant effect of the project.

- MTP/SCS Mitigation Measure GEO-1: Reduce soil erosion and loss of topsoil through erosion control mitigation and SWPPP.
- General Plan Standard HAZ 2.1a: A soils report shall be required for development sites.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (VI.c.)

For the reasons set forth on pages 63-64 of Attachment 6, the following uniformly applicable development standards substantially mitigate the significant effect of the project.

- MTP/SCS Mitigation Measure GEO-1: Reduce soil erosion and loss of topsoil through erosion control mitigation and SWPPP.
- General Plan Standard HAZ 2.1a: A soils report shall be required for development sites.

E. Hazards and Hazardous Materials

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (VIII.g.)

For the reasons set forth on pages 75-76 of Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure HAZ-3: Implement state and local requirements for ongoing emergency evacuation planning.
- City’s Multi-Hazard Functional Planning Guide or the County’s Emergency Operations Plan or Multi-Hazard Mitigation Plan (MHMP)

F. Land Use Planning

- Conflict with any applicable habitat conservation plan or natural communities conservation plan. (X.c.)

For the reasons set forth on pages 91-92 of Attachment 6, the following uniformly applicable Yolo HCP/NCCP area project mitigation measures substantially mitigate the significant effect of the project:

- Yolo HCP/NCCP Avoidance and Minimization Measure AMM1: Establish Buffers.
- Yolo HCP/NCCP Avoidance and Minimization Measure AMM5: Control Fugitive Dust.
- Yolo HCP/NCCP Avoidance and Minimization Measure AMM6: Conduct Worker Training.
- Yolo HCP/NCCP Avoidance and Minimization Measure AMM7: Control Night-Time Lighting of Project Construction Sites.
- Yolo HCP/NCCP Avoidance and Minimization Measure AMM15: Minimize Take and Adverse Effects on Habitat of Swainson’s Hawk and White-Tailed Kite.

G. Noise

- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. (XII.b.)

For the reasons set forth on page 99 of Attachment 6, the following uniformly applicable development policies and standard substantially mitigates the significant effect of the project:

- MTP/SCS Mitigation Measure NOI-3: Reduce noise, vibration, and groundborne noise generated by construction activities.
- Davis Municipal Code, Article 24.02.040.

H. Transportation/Traffic

- Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (XVI.d.)

For the reasons set forth on pages 120-121 of Attachment 6, the following uniformly applicable development policy and standard substantially mitigates the significant effect of the project:

- MTP/SCS Mitigation Measure TRN-2: Apply best practice strategies to reduce the localized impact from construction activities on the transportation system.
- Result in inadequate emergency access. (XVI.e.)

For the reasons set forth on pages 120-121 of the Infill Exemption Materials, the following uniformly applicable development policy and standard substantially mitigates the significant effect of the project:

- MTP/SCS Mitigation Measure TRN-2: Apply best practice strategies to reduce the localized impact from construction activities on the transportation system.

I. Utilities and Service Systems

- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. (XVII.f.)

For the reasons set forth on pages 129-130 Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure USS-3: Perform project-level CEQA environmental review for new wastewater treatment plants, landfills, and similar large utility facilities.
- California Green Building Standards Code Tier 1: Applicable projects must divert at least 65 percent of all construction and demolition debris through recycling, reuse and/or waste reduction.
- City of Davis organics program: Collect yard waste, food scraps, and food soiled paper for composting.
- Comply with federal, state, and local statutes and regulations related to solid waste. (XVII.g.)

For the reasons set forth on pages 129-130 Attachment 6, the following uniformly applicable development policies and standards substantially mitigate the significant effect of the project:

- MTP/SCS Mitigation Measure USS-3: Perform project-level CEQA environmental review for new wastewater treatment plants, landfills, and similar large utility facilities.
- California Green Building Standards Code Tier 1: Applicable projects must divert at least 65 percent of all construction and demolition debris through recycling, reuse and/or waste reduction.
- City of Davis organics program: Collect yard waste, food scraps, and food soiled paper for composting.