

## 2 EXECUTIVE SUMMARY

### 2.1 INTRODUCTION

The Executive Summary chapter of the EIR provides an overview of the University Commons Project (proposed project) and summarizes the conclusions of the environmental analysis provided in Sections 4.1 through 4.6. In addition, the chapter outlines the mitigation monitoring plan, summarizes the alternatives to the proposed project that are described in the Alternatives Analysis chapter, identifies the Environmentally Superior Alternative, and discusses areas of controversy and issues to be resolved. Table 2-1 found at the end of this chapter, provides a summary of the environmental effects of the proposed project, as identified in each technical section of the EIR and the Initial Study prepared for the project (see Appendix C). Table 2-1 also contains the potential environmental impacts associated with the proposed project, the significance of the impacts, the proposed mitigation measures for the impacts, and the significance of the impacts after implementation of the mitigation measures.

### 2.2 PROJECT LOCATION AND DESCRIPTION

The 8.25-acre project site is located in the City of Davis, California, north of Russell Boulevard, east of Sycamore Lane, and west of Anderson Boulevard. Regional access to the site is provided by State Route (SR) 113, located approximately 0.3-mile west of the site. The site is identified by Yolo County Assessor's Parcel Number (APN) 034-253-007. The project site is currently developed with the University Mall, a community shopping center that includes a variety of commercial uses and restaurants. Surrounding uses include: an ARCO service station with a mini-mart, located adjacent to the southeast border of the site, at the northwest corner of the intersection of Russell Boulevard and Anderson Road; the Davis Chinese Christian Church and Rite Aid pharmacy located east of the site across Anderson Road; and the University of California, Davis, (UC Davis) campus to the south of the site across Russell Boulevard. In addition, a Trader Joe's grocery store is situated on a stand-alone pad in the southwest portion of the site that fronts onto Russell Boulevard, at the northeast corner of the intersection of Russell Boulevard and Sycamore Lane. Uses on the UC Davis campus in the project vicinity include a softball field (La Rue Field) and student housing (The Atriums Apartments/Russel Park Apartments). A three-story apartment complex (University Court) is located west of the project site, across Sycamore Lane. The site is bounded to the north by the two-story Sycamore Lane Apartments complex.

The proposed project would include demolition of approximately 90,563 sf of the existing University Mall building to construct a mixed-use development. Generally, buildout of the proposed project would result in the addition of 264 new multi-family residential units and approximately 136,800 sf of retail space. While the project site includes the existing 13,200-sf Trader Joe's building, the building would not be altered or redeveloped as part of the project and will remain at the current location. A three-level, 246,000-sf parking structure containing a total of 518 parking spaces would be situated beneath the western portion of the residential development and provide parking for the proposed residential and retail uses. The proposed structures would range in height. The redeveloped University Commons building would be seven stories and approximately 80 feet in height, with the northeast portion along Anderson Road stepping down to three stories and 44 feet in height.



The layout of the residential portion of the proposed project would consist of four levels of residential uses over the three-level parking garage and four levels of residential uses over retail uses. The residential portion of the project would be arranged around three separate courtyards, one of which would contain an outdoor lounge area, which could potentially include a pool, as well as additional amenities such as a fitness room, bicycle storage, a bike repair station, and a rooftop terrace.

The proposed project would require the following entitlements from the City of Davis:

- Certification of the EIR and adoption of the Mitigation Monitoring Plan;
- General Plan Amendment to create a new land use designation of Mixed-Use Urban Retail that allows for large-scale, multi-story mixed-use development, and a land use map amendment to apply the designation to the site;
- Rezone/Preliminary Planned Development to establish a new Preliminary Planned Development (PD #01-19) for the project site, consisting of development standards for the proposed project and allowable mix of uses; and
- Approval of a Development Agreement between the City of Davis and Brixmor Property Group, Inc. for the proposed mixed-use development.

In addition, the proposed project would require a separate application for a Final Planned Development and Site Plan and Architectural Review when building design and final site details have been determined.

### **2.3 MITIGATION MONITORING PLAN**

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of environmental findings related to environmental impact reports (see Guidelines Section 15091 for Findings). In order to ensure that the mitigation measures and project revisions identified in the EIR are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

Consistent with CEQA Section 15097, implementation of the proposed project would require adoption of a Mitigation Monitoring Plan (MMP) by the City of Davis. The MMP, to be included in the Final EIR, specifies the methods for monitoring mitigation measures required to eliminate or reduce the project's significant effects on the environment.

### **2.4 ENVIRONMENTAL IMPACTS AND REQUIRED MITIGATION MEASURES**

Under CEQA, a significant effect on the environment is defined as a substantial, or potentially substantial, adverse change in any of the existing physical conditions within the area affected by the project, including land, air, water, mineral, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Mitigation measures must be implemented as part of the proposed project to reduce potential adverse impacts to a less-than-significant level. Such mitigation measures are noted in the Initial Study (Appendix C) and the following sections of Chapter 4 of



this EIR: Air Quality, Greenhouse Gas Emissions and Energy, Noise, and Transportation and Circulation. As discussed in Chapter 4.6, Transportation and Circulation, given that the additional bicycle and pedestrian traffic associated with the project could increase the potential for bicycle-vehicle or bicycle-pedestrian conflicts, a significant impact could occur. While Mitigation Measures 4.6-2(a) through 4.6-2(f) would require improvements to existing bicycle and pedestrian facilities, the improvements would occur within UC Davis right-of-way and would not be enforceable by the City, as lead agency. In addition, for Mitigation Measures 4.6-2(d) through (f), the final improvements will be subject to the Russell Boulevard Corridor Plan, which is identified in General Plan Policy TRANS 2.8, Action a. The City has held initial discussions with UC Davis with the intent to proceed on developing a Russell Boulevard Corridor Plan. A Corridor Plan will be prepared by the City and the formal process is expected to begin in the near future, but a Corridor Plan has not yet been adopted. As such, the impacts to bicycle and pedestrian facilities would remain significant and unavoidable. In addition, three intersections in the vicinity of the project site would operate unacceptably under Cumulative Plus Project conditions. While Mitigation Measure 4.6-9 would require modifications to Russell Boulevard, vehicle demand would remain high under Cumulative Plus Project conditions, which would limit the effectiveness of potential mitigation actions. Additionally, some improvements would be made within UC Davis right-of-way and would be subject to final approval by UC Davis. Further, the preferred improvements cannot be determined at this time, as they will be determined through the City's Corridor Plan process. Thus, even with mitigation, the impact would remain significant and unavoidable. All other impacts identified in this EIR could be eliminated or reduced to a less-than-significant level by mitigations imposed by the City.

A summary of the identified impacts in the technical sections of the EIR is presented in Table 2-1. In addition, the table includes a summary of the potentially significant impacts for which the Initial Study set forth mitigation necessary to reduce the impacts to less-than-significant levels. Table 2-1 includes the level of significance of each impact, any mitigation measures required for each impact, and the resulting level of significance after implementation of mitigation measures for each impact.

## **2.5 ALTERNATIVES TO THE PROPOSED PROJECT**

This section presents a summary of the alternatives considered for the proposed project, which include the following:

- No Project Alternative;
- Retail Project Only Alternative;
- Existing Zoning Mixed Use Build Out Alternative; and
- Low Parking Alternative.

The following summary provides brief descriptions of the four alternatives to the proposed project that are evaluated in this EIR. In addition, the summary explains the alternatives relative to the objectives for the proposed project (see page 3-4 of Chapter 3, Project Description, for a list of the project objectives). For a more thorough discussion of project alternatives, please refer to Chapter 6, Alternatives Analysis.

### **Summary of the No Project Alternative**

The original University Mall buildings are located on the northern portion of the roughly rectangular site. In addition to the existing structures, the project site contains a paved parking lot that provides approximately 427 parking spaces and extends throughout the south, east, and west portions of



the site. The No Project Alternative assumes that the project site would remain in the current condition, and the existing on-site commercial uses would remain in operation. The No Project Alternative would not be considered to meet any of the project objectives.

Overall, the No Project Alternative would result in fewer impacts related to air quality, greenhouse gas (GHG) emissions and energy, noise, and transportation and circulation.

### **Summary of the Retail Project Only Alternative**

Under the Retail Project Only Alternative, only the retail portion of the proposed project would be developed. The Alternative assumes demolition of 90,563 sf of the existing shopping center and redevelopment of the site with a total of 136,800 sf of retail uses, an increase of approximately 46,237 sf relative to the existing shopping center. The Retail Project Only Alternative does not include residential uses. Under the Alternative, the site would continue to operate as community retail center, albeit with additional square footage and possibly a smaller parking structure for additional required parking.

The Retail Project Only Alternative would result in a floor-to-area ratio (FAR) of 0.38, which is permitted under the project site's existing zoning and land use designations, which allow for a maximum FAR of 0.50. Thus, a General Plan Amendment would not be required. In addition, because the Alternative would not include multiple stories of residential uses, the overall height of the proposed buildings would be substantially reduced compared to the proposed project, likely to a height of 32 feet or less.

The Retail Project Only Alternative would not meet Objectives #1, #2, #3, #5, or #8. In addition, the Alternative would only partially meet Objective #4.

Based on the analysis included in Chapter 6 of this EIR, the Retail Project Only Alternative was determined to result in fewer impacts related to air quality, GHG emissions and energy, and transportation and circulation, and similar impacts related to noise compared to the proposed project.

### **Summary of the Existing Zoning Mixed Use Build Out Alternative**

Under the Existing Zoning Mixed Use Build Out Alternative, the majority of existing on-site retail uses would be demolished (e.g., not including Trader Joe's). The site would be redeveloped and the mixed uses, building heights, and floor area would be per the property's current Community Retail land use designation and PD 2-97B zoning district. The Community Retail designation allows a maximum floor area ratio of 0.50 with an additional 0.15 for the residential component of a mixed use project. Under the existing standards, the 8.25-acre parcel could accommodate up to 179,685 sf of retail uses and an additional 53,905 sf of residential uses, for a total allowable floor area of 233,590 sf. The Existing Zoning Mixed Use Build Out Alternative assumes that the same amount of retail proposed for the proposed project (136,800 sf) is included on-site (not including the existing 13,200-sf Trader Joe's), with the remaining allowable space comprising residential uses (83,590 sf), resulting in 220,390 sf of retail and residential space. The total number of residential units included in the Alternative is assumed to be 53, with the mixed-use buildings anticipated to be between two and three stories. Similar to the proposed project, the Alternative would include a parking structure; however, the overall size of the structure would be reduced to accommodate the reduction in residential units.



With the exception of Objective #4, the Existing Zoning Mixed Use Build Out Alternative would generally meet all of the project objectives. Objective #4 would only be partially met, as the Alternative would include a reduced amount of development compared to the proposed project, but would include a similar building footprint, thereby resulting in a less efficient use of land compared to the proposed project and an increased per capita carbon footprint.

Based on the analysis included in Chapter 6 of this EIR, the Existing Zoning Mixed Use Build Out Alternative was determined to result in fewer impacts related to air quality, GHG emissions and energy, and transportation and circulation, and similar impacts related to noise compared to the proposed project.

### **Summary of the Low Parking Alternative**

Under the Low Parking Alternative, the project site would be redeveloped as a mixed use center of similar scale and intensity as the proposed project. However, the Alternative would include aggressive transportation demand strategies and parking demand management measures with incentives to encourage alternative transportation and disincentives to discourage car ownership by residents and vehicle trips by customers. In order to discourage the use of single-occupancy vehicles at the project site, a maximum of 50 resident permit parking spaces would be provided on-site under the Low Parking Alternative, compared to 264 under the proposed project. The full retail parking requirement of 429 spaces would continue to be provided under this Alternative. The Low Parking Alternative could also include advanced bicycle and pedestrian facilities, connections, and improvements, bicycle- and car-sharing programs, shuttle services, monetary incentives, parking charges, and other similar measures.

With the exception of Objective #9, the Low Parking Alternative would generally meet all of the project objectives. Objective #9 would be only partially met, as the Alternative would include substantially reduced residential parking relative to the City's standard requirements.

Based on the analysis included in Chapter 6 of this EIR, the Low Parking Alternative was determined to result in fewer impacts related to air quality and GHG emissions and energy, and similar impacts related to noise and transportation and energy compared to the proposed project.

## **2.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

An EIR is required to identify the environmentally superior alternative from among the range of reasonable alternatives that are evaluated. Section 15126(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be designated and states, "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." All of the significant impacts identified for the proposed project would not occur or would be fewer under the No Project Alternative. Thus, the No Project Alternative would be considered the environmentally superior alternative. However, given that a "no project" alternative shall not be selected as the environmentally superior alternative, the No Project Alternative may not be chosen as the environmentally superior alternative, and the environmentally superior alternative among the other alternatives should be chosen.

The No Project Alternative would not be considered to meet any of the project objectives. The Retail Project Only Alternative would not meet Objectives #1, #2, #3, #5, or #8, and would only partially meet Objective #4. The Existing Zoning Mixed Use Build Out Alternative and the Low



Parking Alternative would generally meet all of the project objectives, with the exception of Objectives #4 and #9, respectively, which would be only partially met.

All of the significant impacts identified for the proposed project would not occur or would be fewer under the No Project Alternative. Both the Retail Project Only Alternative and the Existing Zoning Mixed Use Build Out Alternative result in fewer impacts than the proposed project for three resource areas, as opposed to only two resource areas under the Low Parking Alternative. However, the Retail Project Only Alternative would result in a reduced number of pedestrian, bicycle, transit, and vehicle trips during operations relative to the Existing Zoning Mixed Use Build Out Alternative, thereby resulting in fewer traffic impacts. In addition, the Retail Project Only Alternative would not require implementation of Mitigation Measures 4.2-3(a) and 4.2-3(b) related to GHG emissions. As a result, the Retail Project Only Alternative would be considered the environmentally superior alternative to the proposed project.

## **2.7 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED**

The CEQA Guidelines, Section 15123(b), require that this EIR consider areas of controversy known to the lead agency, including issues raised by agencies and the public. Areas of controversy that were identified in NOP comment letters and verbal comments received at the public scoping meeting held on December 5, 2018 should be considered, as well. The areas of known controversy for the project site include the following:

- Sufficient parking;
- Tree removal;
- Impacts to bicycle and pedestrian paths;
- Aesthetic impacts of building design;
- Increased traffic;
- Noise generation;
- Water quality; and
- Impacts associated with concurrent development within the City.

Although parking is not required to be analyzed in this EIR pursuant to the project's eligibility for CEQA streamlining, and is not considered a CEQA issue nor required to be analyzed in this EIR per CEQA Guidelines, because parking is an important planning consideration, the Transportation Impact Study (Appendix J) includes a parking analysis. Similarly, due to CEQA streamlining provisions, aesthetics impacts of infill projects within Transit Priority Areas are not considered significant effects on the physical environment. Nevertheless, the Initial Study (see Appendix C) included an analysis of aesthetics impacts for information purposes. All of the remaining issues listed above are addressed in this EIR in the relevant chapters.



**Table 2-1  
Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>4.1 Air Quality</b>			
4.1-1 Conflict with or obstruct implementation of the applicable air quality plan during project construction.	LS	None required.	N/A
4.1-2 Conflict with or obstruct implementation of the applicable air quality plan during project operation.	LS	None required.	N/A
4.1-3 Expose sensitive receptors to substantial pollutant concentrations.	S	<p>4.1-3 Prior to approval of any grading or demolition plans, the project applicant shall show on the plans via notation that the contractor shall ensure that all off-road diesel-powered equipment over 25 horsepower to be used in the construction of the project (including owned, leased, and subcontractor equipment) shall meet California Air Resources Board (CARB) Tier 4 emissions standards or cleaner. The plans shall be submitted for review and approval to the Department of Community Development and Sustainability. In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB.</p> <p>Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment Registration</p>	LS

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		<p><i>Program (PERP) placard and sticker issued by CARB.</i></p> <p><i>Idling shall be limited to five minutes or less for all on-road related and/or delivery trucks in accordance with CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Clear Signage regarding idling restrictions should be placed at the entrances to the construction site.</i></p>	
<p><b>4.1-4 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).</b></p>	LCC	None required.	N/A
<p><b>4.1-5 Expose sensitive receptors to cumulatively substantial pollutant concentrations.</b></p>	LS	None required.	N/A
<b>4.2 GHG Emissions and Energy</b>			
<p><b>4.2-1 Result in the inefficient or wasteful use of energy associated with construction.</b></p>	LS	None required.	N/A
<p><b>4.2-2 Result in the inefficient or wasteful use of energy, or conflict with a State or local</b></p>	LS	None required.	N/A

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Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
plan for renewable energy or energy efficiency, associated with project operations.			
<b>4.2-3 Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.</b>	CC	4.2-3(a) <i>The project proponent shall prepare and implement a GHG Reduction Plan, to the satisfaction of the City, to demonstrate a downward trajectory in GHG emissions, towards the goal of zero net GHG emissions by the year 2040. Prior to the issuance of a building permit for the proposed project the project proponent shall implement the following steps:</i> <ol style="list-style-type: none"> <li>1. <i>Model net non-mobile operational GHG emissions using CalEEMod, or another method accepted for the purpose of modeling GHG emissions for the proposed project, taking into account applicable building standards and other regulatory requirements, as well as building design, use of renewable energy, etc. The updated modeling shall take into account any updated project design measures incorporated in compliance with this mitigation measure or as proposed in future project design details.</i></li> <li>2. <i>Based on the construction and operational schedules proposed at the time of building permitting, the modeled emissions shall be compared to the maximum permitted emissions for the first year of occupancy, based on the Table below:</i></li> </ol>	LCC

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		Year	Maximum Permitted Net Project Emissions (MTCO <sub>2</sub> e)	Emissions Reductions Achieved (MTCO <sub>2</sub> e)	
		2024	326.69	0.00	
		2025	306.27	20.42	
		2026	285.85	40.84	
		2027	265.44	61.25	
		2028	245.02	81.67	
		2029	224.60	102.09	
		2030	204.18	122.51	
		2031	183.76	142.93	
		2032	163.35	163.35	
		2033	142.93	183.76	
		2034	122.51	204.18	
		2035	102.09	224.60	
		2036	81.67	245.02	
		2037	61.25	265.44	
		2038	40.84	285.85	
		2039	20.42	306.27	
		2040	0	326.69	
		<i>Total Emissions Reductions</i>		<i>2,776.87</i>	
		3. Should net operational emissions be shown to exceed the maximum emissions levels presented in the table above, the project applicant shall identify feasible actions to			

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		<p><i>achieve sufficient emissions reductions for the year or years being modeled. Reduction measures may include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li>• <i>Use of all-electric, energy-star appliances in all or part of the project;</i></li> <li>• <i>Installation of on-site photovoltaic systems in excess of the City's standards in place at the time of this environmental analysis;</i></li> <li>• <i>Use of LED lights in proposed parking areas and other outdoor areas;</i></li> <li>• <i>Construct on-site or fund off-site carbon sequestration projects (such as tree plantings or reforestation projects);</i></li> <li>• <i>Implement a Transportation Demand Management Program in accordance with Section 22.15 of the City of Davis Municipal Code;</i></li> <li>• <i>Provide electric vehicle charging infrastructure in excess of existing CBSC requirements; and/or</i></li> <li>• <i>Purchase carbon credits to offset Project annual emissions. Carbon offset credits shall be verified and registered with The Climate Registry, the Climate Action Reserve, or another</i></li> </ul>	

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 Summary of Impacts and Mitigation Measures**

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

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		<p><i>Sustainability. The City upon review and acceptance of implementation, shall issue the certificate of occupancy.</i></p> <p>4.2-3(b) <i>The owner of the project shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the project to demonstrate the project's compliance with the GHG emissions targets established by Mitigation Measure 4.2-3(a). The Report shall be submitted prior to the issuance of a certificate of occupancy for the first residential unit leased. The Report shall identify the following minimum items. Other documentation requirements may be added by the City if found to be necessary to satisfy this mitigation measure.</i></p> <ol style="list-style-type: none"> <li>1. <i>Projected annual net GHG emissions from the initial date of operations through the year 2040.</i></li> <li>2. <i>Running total of project emissions reductions and reduction credits.</i></li> <li>3. <i>Comprehensive database and summary of implemented reduction actions.</i></li> </ol> <p><i>Should the initial Report demonstrate that measures have been incorporated into the project sufficient to achieve the GHG emissions targets established by Mitigation Measure 4.2-3(a), further Reports are not required.</i></p>	

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		<p><i>If the initial Report does not demonstrate that measures have been incorporated into the project sufficient to achieve the aforementioned emissions targets at the time of initial occupancy, the owner shall be required to submit subsequent Reports every five years until such time that demonstration is made that the project has achieved the required emissions reductions. Subsequent Reports shall contain the same content as required of the initial Report, and demonstrate the implementation of additional measures sufficient to reduce project GHG emissions in compliance with Mitigation Measure 4.2-3(a). Upon demonstration that the project has achieved the required emissions reductions, further Reports are not required.</i></p>	
<p><b>4.2-4 Result in cumulative impacts related to the inefficient or wasteful consumption of energy, or cumulatively contribute to a conflict with State or local plan for renewable energy or energy efficiency associated with project operations.</b></p>	<p>LS</p>	<p>None required.</p>	<p>N/A</p>
<p><b>4.3 Land Use and Planning</b></p>			
<p><b>4.3-1 Cause a significant environmental impact due to a conflict with any land use</b></p>	<p>LS</p>	<p>None required.</p>	<p>N/A</p>

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plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.			
<b>4.3-2</b> Cause a significant cumulative environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	LS	<i>None required.</i>	N/A
<b>4.4 Noise</b>			
<b>4.4-1</b> Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	S	<p><b>4.4-1</b> <i>Prior to issuance of any grading permit, the applicant shall submit proposed noise-reduction practices (to ensure individual piece of equipment shall not produce a noise level exceeding 83 dBA at a distance of 25 feet and the noise level at any point outside the property plane of the project shall not exceed 86 dBA), for review and approval by the Department of Community Development and Sustainability. The following measures shall be utilized to reduce the impact of construction noise (below the above stated single-source and property boundary standards):</i></p> <ul style="list-style-type: none"> <li>• <i>Comply with the hours of operations between 7:00 AM and 7:00 PM on Mondays through Fridays, and between the hours of 8:00 AM and 8:00 PM on Saturdays and Sundays;</i></li> <li>• <i>Impact tools and equipment shall have intake</i></li> </ul>	LS

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		<p><i>and exhaust mufflers recommended by manufacturers;</i></p> <ul style="list-style-type: none"> <li><i>All equipment shall not exceed 86 dBA outside of the property line. Based upon Table 4.4-7, compactors, dozers and excavators shall maintain a distance of 50-feet from the north property line. Concrete saws and jackhammers shall maintain a distance of 100-feet from the nearest property line. If any equipment listed cannot provide either a housing or muffler, or other type of noise suppression equipment to reduce noise levels to 86 dBA or less outside of the property line, then approval by the Director of Public Works shall be required;</i></li> <li><i>If equipment such as compactors, dozers and excavators need to be within 50 feet of the north property line, temporary barriers such as "Noise Soaker" curtains shall be applied at the construction site fence. The barriers shall be eight feet in height along the north property line.</i></li> </ul>	
<p><b>4.4-2 Generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</b></p>	<p>S</p>	<p>4.4-2(a) <i>Prior to building permit issuance, the construction drawings shall include a noise barrier located along the north property line of the project site where trucks circulate for the loading docks. The partial loading dock walls may be eliminated, if desired. Based upon the Environmental Noise Assessment (October 2, 2019) prepared for this EIR, the noise barrier height</i></p>	<p>LS</p>

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 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>requirements would be different depending upon the delivery hours, as follows:</p> <ul style="list-style-type: none"> <li>• Daytime deliveries only (7:00 AM to 9:00 PM): An eight-foot wall shall be required along the north property line of the project site to meet the City's 55 dB <math>L_{eq}</math> daytime noise standard.</li> <li>• Daytime (7:00 AM to 9:00 PM) <u>AND</u> Nighttime (9:00 PM to 7:00 AM): A 10-foot wall shall be required along the north property line of the project site to meet the City's daytime (55 dB <math>L_{eq}</math>) and nighttime 50 dB <math>L_{eq}</math> noise standards.</li> </ul> <p>The delivery truck hours and sound wall height shall be finalized prior to City approval of the Final Planned Development for the project. Final design and height of the barrier shall be approved by the City of Davis Department of Community Development and Sustainability.</p> <p>4.4-2(b) Alternatively, the applicant may submit a subsequent acoustical report in conjunction with the submittal of the Final Planned Development to the City. The subsequent acoustical report, using additional design-level details developed during the Final Planned Development process, shall estimate the delivery truck/loading dock noise levels at the nearest sensitive receptors to verify the height of the wall needed to meet the City's stationary noise level standards (55 dB <math>L_{eq}</math> daytime and 50 dB <math>L_{eq}</math></p>	

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		<p><i>nighttime). If the report determines that a reduced sound wall height, compared to the heights identified in MM 4.4-2(a), could achieve the City’s noise standards at the nearest sensitive receptors, then the reduced height should be considered acceptable.</i></p> <p><i>The subsequent acoustical report could also consider the feasibility of relocating or eliminating the loading dock. Any proposed relocation would require analysis within the acoustical report to ensure that those sensitive receptors located closest to the relocated loading dock would not be subject to noise levels in excess of the City’s noise level standards. Final loading dock design and barrier height shall be approved by the City of Davis Department of Community Development and Sustainability.</i></p>	
<b>4.4-3 Generation of excessive groundborne vibration or groundborne noise levels.</b>	LS	None required.	N/A
<b>4.4-4 Generation of a substantial permanent increase in ambient noise levels associated with cumulative development of the proposed project in combination with future buildout of the City’s Planning Area.</b>	LS	None required.	N/A
<b>4.5 Public Services and Utilities</b>			

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 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
<b>4.5-1</b> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.	LS	<i>None required.</i>	N/A
<b>4.5-2</b> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services.	LS	<i>None required.</i>	N/A
<b>4.5-3</b> Require or result in the relocation or construction of new or expanded water,	LS	<i>None required.</i>	N/A

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 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.			
4.5-4 Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.	LS	<i>None required.</i>	N/A
4.5-5 Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	LS	<i>None required.</i>	N/A
4.5-6 Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid	LS	<i>None required.</i>	N/A

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Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
waste reduction goals, or conflict with federal, state, and local management and reduction statutes and regulations related to solid waste.			
4.5-7 Development of the proposed project, in combination with future buildout in the City of Davis, would increase demand on fire and police protection services.	LS	<i>None required.</i>	N/A
4.5-8 Development of the proposed project, in combination with future buildout in the City of Davis, would increase demand on utilities and service systems.	LCC	<i>None required.</i>	N/A
<b>4.6 Transportation and Circulation</b>			
4.6-1 Impacts to study intersections under Existing Plus Project conditions.	LS	<i>None required.</i>	N/A
4.6-2 Impacts to bicycle facilities under Existing Plus Project conditions.	S	4.6-2(a) <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Sycamore Lane intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall</i>	SU

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 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>either physically separate bicyclists and vehicles, or more clearly demarcate the existing bicycle-vehicle mixing zone if the City is unable to physically separate bicyclists and vehicles. Potential improvement alternatives include (but shall not be limited to):</i></p> <ol style="list-style-type: none"> <li>1. <i>Switch the placement of the southbound right-turn lane and the bike lane. Consistent with CAMUTCD standards (for a bicycle facility adjacent to a right-turn lane), such a configuration would place a Class IV separated bikeway immediately against the curb, enabling bicyclists to queue against the curb prior to crossing during the exclusive bicycle crossing signal phase (during which southbound right-turns for vehicles are prohibited). This configuration would eliminate the need for southbound bicyclists to weave across vehicular traffic at the intersection approach. The configuration shall include vertical separation between the bikeway and the right-turn lane, consistent with standard Class IV separated bikeway design.</i></li> <li>2. <i>Highlight the existing bicycle-vehicle mixing zone with additional pavement markings (e.g., green skip pavement markings) and warning signage.</i></li> </ol>	

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 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>4.6-2(b) <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall implement modifications to improve the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection to reduce the potential for bicycle-vehicle conflicts, to the satisfaction of the City Engineer. Improvements shall more clearly demarcate the existing bicycle-vehicle mixing zone. Potential improvement alternatives include highlighting the existing bicycle-vehicle mixing zone with additional pavement markings (e.g., green skip pavement markings) and warning signage. Implementation of such improvements, or an improvement of equal effectiveness, would enhance the southbound bike lane approach at the Russell Boulevard/Anderson Road/La Rue Road intersection and reduce the potential for conflicts between bicyclists and vehicles.</i></p> <p>4.6-2(c) <i>The project applicant shall implement one of the following options prior to issuance of certificates of occupancy, with the bicycle facility and final design to be determined by the City Engineer and the City Traffic Engineer as follows:</i></p> <p><u>Option A: Off-Street Shared-use Path.</u> <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall construct an off-street shared-use path on the north side of</i></p>	

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		<p><i>Russell Boulevard between Sycamore Lane and Anderson Road along the project site frontage, generally along the alignment of the existing sidewalk. The path may need to be widened into the existing roadway (i.e., into the parking lane) due to right-of-way constraints such as existing trees and driveways (e.g., along the ARCO gas station frontage). The new path shall be sufficiently sized to prevent crowding and minimize the potential for conflicts between bicyclists and pedestrians. The City of Davis 2016 Street Design Standards specifies a shared-use path width of 12 feet for arterial roadways, with two-foot wide all-weather shoulders on either side of the path where sufficient space exists to accommodate the standard. The City may determine that a narrower shared path, split path, combination, or alternative path design is acceptable in instances where right-of-way or design constraints, preservation of existing trees, or other considerations would limit the ability to implement the standard path width and design.</i></p> <p><i>Option B: Protected Bike Lane/Cycle Track. Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall construct a protected bike lane on the north side of Russell Boulevard, between Sycamore Lane and Anderson Road along the project site frontage.</i></p>	

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Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>4.6-2(d) <i>Consistent with cumulative Mitigation Measure 4.6-9, prior to the occupancy of the project, the project applicant shall contribute funding to cover their proportionate cost of bicycle improvements to the Russell Boulevard/Anderson Road/La Rue Road intersection as determined in the Development Agreement. The funding shall be submitted to the City of Davis. Given the multi-modal nature of the intersection and future improvements, fair share calculations should consider all modes of transportation utilizing the intersection.</i></p> <p><i>Modifications to improve crossings at the Russell Boulevard/Anderson Road/La Rue Road intersection shall be implemented to reduce the potential for bicycle-bicycle, bicycle-pedestrian, and bicycle-vehicle conflicts. Because intersection modifications would affect right-of-way on the UC Davis campus, the City shall coordinate with UC Davis to identify the ultimate modifications. Improvements shall, to the extent feasible, physically separate bicyclists, pedestrians, and vehicles and reduce bicycle crossing distances and exposure time. Potential improvement alternatives include (but are not limited to):</i></p> <ol style="list-style-type: none"> <li><i>For all intersection crosswalks, widen crosswalks to increase the capacity for crossing bicyclists and pedestrians and reduce</i></li> </ol>	

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		<p><i>the frequency of meeting and passing events that diminish the performance of the crosswalks.</i></p> <p>2. <i>Reconfigure the intersection into a protected intersection with corner refuge islands, setback crossings, and exclusive bicycle and pedestrian crossing phases (i.e., vehicles would not be permitted to turn on red during this phase). For all intersection crosswalks, physically separate bicyclists and pedestrians by installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle crossing zones, increase the capacity for crossing bicyclists and pedestrians, and reduce the frequency of meeting and passing events that diminish the performance of the crossings. This alternative would also include the removal of the eastbound and northbound channelized right-turn lanes.</i></p> <p>4.6-2(e) <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Sycamore Lane and the UC Davis softball field; the project's proportionate cost shall be determined in the Development Agreement. The funding shall be submitted to the City of Davis. The City shall</i></p>	

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Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>negotiate funding contributions with UC Davis as part of the City's Corridor Plan process. Path improvements shall reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):</i></p> <ol style="list-style-type: none"> <li><i>1. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle zones.</i></li> <li><i>2. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.</i></li> <li><i>3. Install pedestrian-scale lighting to improve visibility.</i></li> </ol> <p><i>4.6-2(f) Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall contribute funding to cover their proportionate cost of improvements to the shared-use path on the south side of Russell Boulevard between Anderson Road and the bicycle roundabout near Primero Grove; the project's proportionate cost shall be determined in the Development Agreement. The funding shall be submitted to the City of Davis. The City shall negotiate funding contributions with UC Davis as part</i></p>	

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Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>of the City's Corridor Plan process. Path improvements should reduce the potential for bicycle-bicycle and bicycle-pedestrian conflicts, to the satisfaction of the City Engineer. Potential improvement alternatives include (but are not limited to):</i></p> <ol style="list-style-type: none"> <li><i>1. Widen the existing shared-use path to accommodate bicyclists and pedestrians within a shared facility. Consider installing special pavement treatment or striping to clearly demarcate pedestrian and bicycle zones.</i></li> <li><i>2. Physically separate bicyclists and pedestrians by constructing a new pedestrian pathway parallel to the existing shared-use path.</i></li> <li><i>3. Install pedestrian-scale lighting to improve visibility.</i></li> </ol>	
<b>4.6-3 Impacts to pedestrian facilities under Existing Plus Project conditions.</b>	S	4.6-3 <i>Implement Mitigation Measures 4.6-2(d), 4.6-2(e), and 4.6-2(f).</i>	SU
<b>4.6-4 Impacts to transit facilities and services under Existing Plus Project conditions.</b>	S	4.6-4 <i>Prior to issuance of certificates of occupancy for the proposed project, the project applicant shall enhance the existing bus stop on southbound Anderson Road north of Russell Boulevard, to the satisfaction of the City Engineer. Bus stop enhancements shall include the addition of a shelter, seating, waste receptacle, as well as an expanded dedicated passenger waiting area that can sufficiently accommodate dwelling passenger without impeding the adjacent sidewalk.</i>	LS

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		<i>Bus stop enhancements shall be developed in consultation with Unitrans staff.</i>	
4.6-5 Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	LS	None required.	N/A
4.6-6 Impacts related to emergency access.	LS	None required.	N/A
4.6-7 Impacts related to construction vehicle traffic.	S	4.6-7 Before commencement of any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Unitrans, YoloBus, and local emergency service providers for their input before approving the Plan. The Plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the Plan shall include: <ul style="list-style-type: none"> <li>• The number of truck trips, time, and day of street closures;</li> <li>• Time of day of arrival and departure of trucks;</li> <li>• Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;</li> <li>• Provision of a truck circulation pattern;</li> <li>• Provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements</li> </ul>	LS

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		<p>are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);</p> <ul style="list-style-type: none"> <li>• Maintain safe and efficient access routes for emergency vehicles;</li> <li>• Manual traffic control when necessary;</li> <li>• Proper advance warning and posted signage concerning street closures; and</li> <li>• Provisions for bicycle, pedestrian, and transit access and safety.</li> </ul> <p>A copy of the Construction Traffic Control Plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.</p>	
<p><b>4.6-8 Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</b></p>	<p>S</p>	<p>4.6-8(a) Prior to the issuance of demolition permits, the project applicant shall extend the eastbound left-turn pocket at the Russell Boulevard/Sycamore Lane intersection from 300 to 375 feet, which is the maximum distance feasible without affecting the adjacent westbound left-turn pocket at the Russell Boulevard/Orchard Park Drive intersection. The extension will enable the eastbound left-turn pocket to accommodate the maximum queue of 325 feet under Existing Plus Project conditions. The timing of this modification is necessary to accommodate the considerable number of truck trips related to the project's demolition and construction.</p>	<p>LS</p>

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Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>4.6-8(b) <i>Prior to issuance of grading plans, the project improvement plans shall reflect the modifications listed below, or equivalent measures based on the final site design, to reduce vehicle queuing spillback at the project driveways, to the satisfaction of the City Engineer. The modifications may include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Southern Sycamore Lane Driveway</i> <ul style="list-style-type: none"> <li>○ <i>Parking stalls along the Retail 6 frontage shall be eliminated; and</i></li> <li>○ <i>Exclusive outbound left-turn and right-turn lanes shall be provided.</i></li> </ul> </li> <li>• <i>Southern Anderson Road Driveway</i> <ul style="list-style-type: none"> <li>○ <i>Parking stalls along the Retail 1, 2, and 3 frontages shall be eliminated.</i></li> </ul> </li> <li>• <i>Western Russell Boulevard Driveway</i> <ul style="list-style-type: none"> <li>○ <i>The drive aisle shall be aligned north into the parking garage, shifted further east into the project site to provide additional throat depth for the southern Sycamore Lane driveway, and access for the southernmost east-west drive aisle shall be closed off to/from the west (opposite the Trader Joe's loading dock).</i></li> </ul> </li> </ul>	
<b>4.6-9 Impacts to study intersections under Cumulative Plus Project conditions.</b>	CC	4.6-9 <i>Modifications to Russell Boulevard shall be implemented to reduce peak hour vehicle delay at the Russell Boulevard/Orchard Park Drive, Russell</i>	SU

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		<p><i>Boulevard/Anderson Road/La Rue Road, and Russell Boulevard/California Avenue intersections:</i></p> <ul style="list-style-type: none"> <li>• <i>Prior to issuance of certificates of occupancy, the project applicant shall construct the pedestrian bulbouts at Russell Boulevard/Sycamore Lane, to the satisfaction of the City Engineer, as follows:</i> <ul style="list-style-type: none"> <li>○ <i>At the Russell Boulevard/Sycamore Lane intersection, construct pedestrian bulbouts at the northwest and northeast corners of the intersection to reduce pedestrian crossing distances. The resulting excess green time shall be reallocated to the major east-west through movements to improve overall corridor operations. The pedestrian bulbouts shall be integrated with the design of the bike lane modification described in Mitigation Measure 4.6-2(a) (at the northwest corner) and the shared-use path described in Mitigation Measure 4.6-2(c) (at the northeast corner).</i></li> </ul> </li> <li>• <i>Implement Mitigation Measure 4.6-8.</i></li> <li>• <i>Prior to issuance of certificates of occupancy, the project applicant shall contribute funding, to the satisfaction of the City Engineer, to cover the proportionate cost of improvements</i></li> </ul>	

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		<p><i>described in Alternatives 1, 4, 5, 6, and 7 above, the requirements of which are listed below.<sup>1</sup> The funding shall be submitted to the City of Davis:</i></p> <ul style="list-style-type: none"> <li>o <i>At the Russell Boulevard/Orchard Park Drive intersection, either:</i> <ul style="list-style-type: none"> <li>a. <i>Prohibit northbound left-turns, or</i></li> <li>b. <i>Prohibit northbound left-turns and westbound left-turns (i.e., right-in/right-out only).</i></li> </ul> </li> <li>o <i>At the Russell Boulevard/Anderson Road/La Rue Road intersection, either</i> <ul style="list-style-type: none"> <li>a. <i>Install five-section traffic signal for the northbound right-turn lane and an accompanying bicycle/pedestrian signal to control crossing movements across the northbound channelized right-turn lane, or</i></li> <li>b. <i>Implement Alternative 2 described in Mitigation Measure 4.6-2(d) (conversion of the Russell Boulevard/Anderson Road/La Rue Road intersection to a protected intersection).</i></li> </ul> </li> </ul>	

<sup>1</sup> Consistent with *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, contribution of mitigation funds is not required for impacts where the City does not have full jurisdiction, nor a plan in place to ensure implementation of mitigation measures. Nevertheless, the applicant has agreed to contribute mitigation funds to the City for Alternatives 1, 4, 5, 6, and 7.  
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		<ul style="list-style-type: none"> <li>○ <i>At the Russell Boulevard/Oak Avenue intersection, prohibit eastbound U-turn movements and convert the eastbound left-turn movement from a permitted to a protected left-turn signal phase.</i></li> <li>○ <i>At the Russell Boulevard/College Park/Howard Way intersection, convert the northbound and southbound approaches to split phase operations and eliminate the west leg crossing.</i></li> <li>○ <i>At all signalized intersections on Russell Boulevard, increase the PM peak hour cycle length from 90 to 100 seconds to match the existing AM peak hour cycle length. The signal timing adjustment shall be applied to all coordinated signals along the corridor between and inclusive of Sycamore Lane and G Street.</i></li> </ul> <p><i>The ultimate modifications constructed along Russell Boulevard shall be consistent with the preferred improvements identified in the Russell Boulevard Corridor Plan currently being prepared by the City.</i></p>	
<b>4.6-10 Result in cumulative conflicts or inconsistencies with CEQA Guidelines Section 15064.3, subdivision (b).</b>	LS	None required.	N/A
<b>4.6-11 Substantially increase hazards due to a geometric design</b>	S	4.6-11 Implement Mitigation Measure 4.6-8.	LS

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feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).			
<b>Initial Study</b>			
<p><b>IVa. 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.</b></p>	S	<p><i>Swainson's Hawk</i></p> <p><i>IV-1 The project proponent shall retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership shall be surveyed only if access is granted or if the parcels are visible from authorized areas.</i></p> <p><i>If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) within 1,320 feet, the project proponent shall retain a qualified biologist to conduct a preconstruction survey for active nests consistent with the recommended methodology of the Swainson's Hawk Technical Advisory Committee (2000), between March 20 and July 30, within 15 days prior to the beginning of the construction activity. The results of the survey shall be submitted to the Conservancy and CDFW. If active nests are found during the preconstruction survey, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary</i></p>	LS

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		<p>during the nesting season, then the qualified biologist shall monitor the nest and shall, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson’s hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities, including tree pruning or removal, are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. Up to 20 Swainson’s hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson’s hawks.</p> <p>If this project involves pruning or removal of a potential Swainson’s hawk or white-tailed kite nest tree, the project proponent shall conduct a preconstruction survey that is consistent with the guidelines provided by the Swainson’s Hawk Technical Advisory Committee (2000). If active nests are found during the preconstruction survey, no tree pruning or removal of the nest tree shall occur during</p>	

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 Summary of Impacts and Mitigation Measures**

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		<p><i>the period between March 1 and August 30, unless a qualified biologist determines that the young have fledged and the nest is no longer active.</i></p> <p><i>Raptors and Nesting Migratory Birds</i></p> <p><i>IV-2 The project applicant shall implement the following measures to avoid or minimize impacts to raptors and federally-protected nesting migratory birds:</i></p> <ul style="list-style-type: none"> <li><i>• If any site disturbance or construction activity for any phase of development begins outside the February 1 to August 31 breeding season, a preconstruction survey for active nests shall not be required.</i></li> <li><i>• If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests from publicly accessible areas within 14 days prior to site disturbance or construction activity for any phase of development. The survey area shall cover the construction site and the area surrounding the construction site, including a 100-foot radius for MBTA birds, and a 500-foot radius for birds of prey. If an active nest of a bird of prey, MBTA bird, or other protected bird is not found, then further mitigation measures</i></li> </ul>	

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		<p>are not necessary. The preconstruction survey shall be submitted to the City of Davis Department of Community Development and Sustainability for review.</p> <ul style="list-style-type: none"> <li>• If an active nest of a bird of prey, MBTA bird, or other protected bird is discovered that may be adversely affected by any site disturbance or construction or an injured or killed bird is found, the project applicant shall immediately:                             <ul style="list-style-type: none"> <li>○ Stop all work within a 100-foot radius of the discovery.</li> <li>○ Notify the City of Davis Department of Community Development and Sustainability.</li> <li>○ Do not resume work within the 100-foot radius until authorized by the biologist.</li> <li>○ The biologist shall establish a minimum 500-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey. The ESA may be reduced if the biologist determines that a smaller ESA would still adequately protect the active nest. Further work may not occur within the ESA until the biologist determines that the nest is no longer active.</li> </ul> </li> </ul>	

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<p><b>IVe. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</b></p>	<p>S</p>	<p><i>IV-3 The project applicant shall implement the following tree preservation measures prior to and during construction for the 16 on-site and eight off-site trees to be preserved.</i></p> <ul style="list-style-type: none"> <li>• <i>Tree Protection Zones (TPZs): The surveyed trunk locations and TPZs / tree protection fencing shall be indicated on all construction plans for trees to be preserved;</i></li> <li>• <i>Modified TPZs: Modified TPZs are areas where proposed infrastructure is located within protection zones. These Modified TPZs and fencing shall be indicated as close to infrastructure as possible (minimize overbuild);</i></li> <li>• <i>The Consulting Arborist shall revise development impact assessment (as needed) for trees to be preserved once construction plans are drafted;</i></li> <li>• <i>Grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste, or washout, or any other disturbance within TPZs shall be avoided to the maximum extent feasible;</i></li> <li>• <i>Any work that is to occur within the TPZs shall be monitored by the Consulting Arborist;</i></li> <li>• <i>A meeting shall be conducted to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors,</i></li> </ul>	<p>LS</p>

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		<p><i>and project managers prior to the initiation of demolition and construction activities;</i></p> <ul style="list-style-type: none"> <li>• <i>Prior to any demolition activity on-site, tree protection fencing shall be installed in a circle centered at the tree trunk with a radius equal to the defined TPZ as indicated in the Arborist Report;</i></li> <li>• <i>Tree protection fences should be made of chain-link with posts sunk into the ground, and shall not be removed or moved until construction is complete;</i></li> <li>• <i>Any pruning shall be performed per recommendations in the Arborist Report by an ISA Certified Arborist or Tree Worker. Pruning for necessary clearance should be the minimum required to build the project and performed prior to demolition by an ISA Certified Arborist;</i></li> <li>• <i>If roots larger than 2 inches or limbs larger than 3 inches in diameter are cut or damaged during construction, the Consulting Arborist shall be contacted immediately to inspect and recommend appropriate remedial treatments; and</i></li> <li>• <i>All trees to be preserved shall be irrigated once every two weeks, spring through fall, to uniformly wet the soil to a depth of at least 18 inches under and beyond the canopies of the trees.</i></li> </ul>	

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		<i>The tree preservation measures shall be included in the notes on construction drawings.</i>	
<p><b>Vb-d. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.</b></p> <p><b>Directly or indirectly destroy a unique paleontological resource on site or unique geologic features.</b></p> <p><b>Disturb any human remains, including those interred outside of formal cemeteries.</b></p>	S	<p>V-1</p> <p><i>If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the significance of the find(s). The archaeologist shall have the authority to modify the no-work radius as appropriate, using professional judgement. If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner.</i></p> <p><i>The archaeologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the National Register of Historic Places or California Register of</i></p>	LS

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		<p><i>Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the National or California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), the City shall consult on a finding of eligibility and implement appropriate treatment measures. Further measures might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.</i></p> <p><i>Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to</i></p>	

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		<p><i>extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory.</i></p> <p><i>Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in PRC Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.</i></p>	

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		<p><i>Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the find(s) either: 1) is not eligible for the National or California Register; or 2) that treatment measures have been completed to the City's satisfaction.</i></p> <p><i>The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the development of the proposed project site.</i></p> <p>V-2  <i>If any vertebrate bones or teeth are found by the construction crew, the City of Davis Department of Community Development and Sustainability shall be notified and the contractor shall cease all work within 100 feet of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, inspects the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., the University of California Museum of Paleontology), where it shall be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure</i></p>	

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		<p><i>shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved for the proposed project site, where excavation work would be required.</i></p> <p>V-3  <i>If human remains are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California PRC Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Yolo County Coroner determines the remains to be Native American and not the result of a crime scene, the Coroner shall notify the Native American Heritage Commission (NAHC) and the Yocha Dehe Wintun Nation within 24 hours. The NAHC and Yocha Dehe Wintun Nation must then identify the “most likely descendant(s)” (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in PRC 5097.98. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (PRC 5097.94). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (PRC 5097.98). This will</i></p>	

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		<p><i>also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the County in which the property is located (AB 2641). Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.</i></p>	
<p><b>VIIIb. 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.</b></p>	<p>S</p>	<p>VIII-1</p> <p><i>Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains asbestos. If the structure does not contain asbestos, further mitigation is not required. If asbestos-containing materials are detected, the applicant shall prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.</i></p> <p><i>Implementation of the asbestos abatement plan shall include the removal and disposal of the asbestos-containing materials by a licensed and certified asbestos removal contractor, in accordance with local, State, and federal regulations. In addition, the demolition contractor shall be informed that all building materials shall be considered as containing</i></p>	<p>LS</p>

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		<p><i>asbestos. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing asbestos in accordance with local, State, and federal regulations subject to approval by the City Engineer, City Building Official, and the Yolo-Solano Air Quality Management District.</i></p> <p>VIII-2  <i>Prior to issuance of a demolition permit by the City for the existing on-site structure, the project applicant shall provide a site assessment that determines whether the structure contains lead-based paint. If the structure does not contain lead-based paint, further mitigation is not required. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to approval by the City Engineer.</i></p>	
<p><b>IXa,e,f. Violate any water quality standards or waste discharge requirements.</b></p>	<p>S</p>	<p>IX-1  <i>Prior to issuance of grading permits, the applicant shall submit to the City a plan, identifying permanent stormwater TCMs, SDMs, and Hydromodification</i></p>	<p>LS</p>

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<p><i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</i></p> <p><i>Otherwise substantially degrade water quality.</i></p>		<p><i>Measures, for each DMA to be implemented on the project, as well as a copy of a stormwater maintenance agreement and corresponding maintenance plan signed and recorded by the County of Yolo Clerk's Office. The plan shall include LID measures consistent with the Preliminary Utility Study prepared for the project and shall be subject to review and approval by the Public Works Department.</i></p>	
<p><b>XVIIa-b. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:</b></p> <p><b>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in</b></p>	S	<p><b>XVII-1. Implement Mitigation Measures V-1, V-2, and V-3.</b></p>	LS

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<p><b>Public Resources Code section 5020.1(k).</b></p> <p><b>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</b></p>			

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