

4 MITIGATION MONITORING AND REPORTING PROGRAM

In accordance with the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq.), the City of Davis (City) prepared an Environmental Impact Report (EIR) (State Clearinghouse No. 2015012066) that identified significant impacts related to: Aesthetics and Visual Resources; Agriculture and Forest Resources; Air Quality; Biological Resources; Cultural Resources; Greenhouse Gas Emissions, Climate Change, and Energy; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise and Vibration; Transportation and Circulation; and Utilities. The EIR also identifies mitigation measures that would reduce the identified impacts to a less-than-significant level, or that would eliminate these impacts all together.

CEQA and the State CEQA Guidelines (PRC Section 21081.6 and State CEQA Guidelines Sections 15091[d] and 15097) require public agencies “to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project because the EIR identifies potential significant adverse impacts related to the project implementation, and mitigation measure have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the project.

4.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner before and during project construction and operation. The MMRP may be modified by the City during project implementation, as necessary, in response to changing conditions or other refinements; however modifications to a mitigation measure that could reduce its effectiveness in reducing impacts may not occur without CEQA compliance.

The attached tables have been prepared to assist the responsible parties in implementing the mitigation measures. Because the analysis in the Draft EIR was organized so that impacts and mitigation measures were stated separately for the Nishi site and West Olive Drive where applicable, two separate MMRP tables have been created; the first for the Nishi site and the second for West Olive Drive. The tables identify the impact, individual mitigation measures, monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR. Mitigation measures that are referenced more than once in the Draft EIR are not duplicated in the MMRP table.

4.2 ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. The City, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent. Section 21081.6 of the Public Resources Code, requires the lead agency to identify the “custodian of documents and other material” which constitutes the “record of proceedings” upon which the action on the project was based. The Davis City Manager, or designee, is the custodian of such documents for Nishi.

Inquiries should be directed to:

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The location of this information is:

City of Davis
Community Development and Sustainability Department
23 Russell Boulevard, Suite 2
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The City is responsible for overall administration of the MRRP and for verifying that City staff members and/or the construction contractor has completed the necessary actions for each measure. The City may designate a project manager to oversee implementation of the MMRP. Duties of the project manager include the following:

- ▲ ensure routine inspections of the construction site are conducted by appropriate City staff; check plans, reports, and other documents required by the MMRP; and conduct report activities;
- ▲ serve as a liaison between the City and the contractor or project applicant regarding mitigation monitoring issues;
- ▲ complete forms and maintain reports and other records and documents generated for the MMRP; and
- ▲ coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

The responsible party for implementation of each item will identify the staff members responsible for coordinating with the City on the MMRP.

4.3 REPORTING

The City shall, or may require the developer to, prepare a monitoring report upon completion of the project describing the compliance of the activity with the required mitigation measures. Information regarding inspections and other requirements shall be compiled and explained in the report. The report shall be designed to simply and clearly identify whether mitigation measures have been adequately implemented. At a minimum, each report shall identify the mitigation measures or conditions to be monitored for implementation, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required. The report shall be presented to the City Council.

4.4 MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- ▲ Impact – This column provides the verbatim text of the identified impact.
- ▲ Mitigation Measure – This column provides the verbatim text of the adopted mitigation measure
- ▲ Monitoring Responsibility – This column identifies the party responsible for enforcing compliance with the requirements of the mitigation measure.
- ▲ Timing – This column identifies the time frame in which the mitigation will be implemented.
- ▲ Verification – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
4.1 Aesthetics and Visual Resources				
Impact 4.1-2: Light and glare impacts.	Mitigation Measure 4.1-2: Within the proposed surface parking lots, the applicant shall select and install solar panels that minimize reflective surfaces, either through glazing or use of non-reflective materials. All surface parking solar facilities shall be installed such that the angle of solar panels does not direct glare at motorists along I-80. The applicant shall prepare a technical report verifying the selected angle and material of the solar panels for review and approval by the City before installation.	City of Davis	Prior to and after installation of solar panels	
4.2 Agriculture and Forest Resources				
Impact 4.2-1: Convert Important Farmlands to non-agricultural use, or involve changes in the existing environment that could result in conversion of Important Farmland to non-agricultural use.	Mitigation Measure 4.2-1: Prior to removal of the existing well on the Nishi site, the applicant shall install an alternative potable water source (i.e., a new groundwater well) south of I-80, proximate to and with a direct connection to the existing farmland associated with the existing well at the Nishi site, as allowed by the current Grant Deed for the Nishi site. The replacement well shall have the capacity to provide the same amount and quality of water to the farmland as the existing well. The applicant shall be responsible for procurement of all permits and well installation.	City of Davis	Prior to removal of the existing well	
4.3 Air Quality				
Impact 4.3-5: Land use compatibility with off-site sources of TACs and UFPs.	Mitigation Measure 4.3-5a. All residential buildings shall be located as far as feasible from I-80, and no residential buildings shall be located on the southwest portion of the project site along the elevated segment of I-80. Residential buildings shall be sited more distant from I-80 than non-residential buildings, including parking garages, such that the non-residential structures serve as a barrier between I-80 and the residential buildings. In addition, housing where individuals typically reside for a longer period of time, such as for-sale residential units, shall be located more distant from I-80 than other residential units.	City of Davis	Prior to issuance of building permits	
	Mitigation Measure 4.3-5b. A comprehensive tree planting and maintenance plan shall be developed and implemented to minimize TAC concentrations levels in outdoor areas of the project site. Development and initial planting required by the plan shall be fully funded by the applicant. The plan shall be performed by a qualified arborist approved by the City. The tree siting and maintenance plan shall be completed and approved by the City before construction. The plan shall include ongoing maintenance requirements and clearly identify the funding mechanism for this maintenance during the life of project. Funding for ongoing maintenance may be sourced from the formation of a homeowners association with required dues, establishment of a community facilities district, or some other mechanism approved by the City. The plan shall consist of a vegetative filtration along I-80 and tree canopy across the project site. These two elements are described in greater detail below: <ul style="list-style-type: none"> ▲ <i>Vegetative filtration along Interstate 80.</i> The plan shall locate trees along the ground level portions of the I-80 right of way to provide vegetative filtration 	City of Davis	Prior to initiation of construction and once every three years until 15 years following planting or until plantings reach a height of 3 meters	

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	<p>between freeway traffic and the project site. Tree species and spacing shall be selected such that the stand of vegetation should have a minimum year-round width of 5 meters (Islam et al. 2012:2) and be at least 3 meters tall within 15 years of when the first residential dwelling unit on the site is inhabited. A wider barrier results in more deposition (Zhang 2015:14). The stand of vegetation may consist of multiple, staggered rows of trees to eliminate gaps such that a vegetative barrier is achieved. The height of the vegetative stand should be balanced with other site planning considerations, including protection of existing views of the UC Davis campus from I-80, to the extent feasible. If a sound wall is located along I-80 to reduce freeway noise exposure to the project site, the vegetated barrier shall be located on the project side of the sound wall and be as close to the sound wall as feasible such that air passing over the sound wall will immediately come into contact with the trees. If a sound barrier is not constructed then shrubs or other non-tree vegetation can be used to fill gaps between individual trees; however, installation of species that have invasive qualities or would serve as “ladder fuels” in a fire should be avoided.</p> <p>▲ <i>Tree Canopy across the Project Site.</i> Trees shall also be planted throughout the project site to form a canopy that filters emissions flowing from I-80. As part of detailed site design, an arborist shall work with designers to identify all locations where trees should be located, taking into account areas where shade is desired such as along pedestrian and bicycle routes, the locations of solar photovoltaic panels, and other infrastructure. The tree canopy should be designed such that it shades 50 percent of all paved areas, outdoor activity areas, and pedestrian and bicycle routes, within 15 years of when the first residential dwelling unit on the site is inhabited.</p> <p>For both the vegetative filtration along I-80 and the tree canopy throughout the project site, tree selection criteria shall include their ability to filter UFP, PM_{2.5}, and PM₁₀ during all seasons based on peer-reviewed research in academic journals and reports by EPA and ARB. Tree selection should also consider irrigation needs; maintenance needs (e.g., pruning, leaf litter, replacement planting); hardiness; growth rate; canopy cover; surface drainage characteristics and related grading needs; allergen production; production of biogenic volatile organic compounds; storm water detention needs of the project site; drying effects from traffic-generated turbulence; fire safety needs; vulnerability to physical damage from nearby mowing, chemical applications, or animals; disease and pest resistance; root depths; mulching requirements; staking and eventual stake removal; and water conservation goals. All trees shall be planted in accordance with the planting standards established by the Western Chapter of the International Society of Arboriculture’s, <i>Guideline Specifications for Selecting, Planting, and Early Care of Young Trees</i> (Kempf and</p>			

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	<p>Gilman 2011), including but not limited to standards for root ball management, root pruning, staking, mulching, and irrigation. Tree selection can be performed using the SelecTree tool developed by the Urban Forest Ecosystems Institute at Cal Poly San Luis Obispo (http://selectree.calpoly.edu/). The plan shall also identify the availability of selected tree species from nurseries.</p> <p>In its contracting language the property owner/applicant shall require its contractor (or planting/ landscaping contractor) to place orders from supply nurseries in advance to ensure that the quantity of selected nursery trees is available to fulfill the requirements of this mitigation measure.</p>			
	<p>Mitigation Measure 4.3-5c. The air filtration systems on all residential buildings and buildings in which people work shall achieve a minimal removal efficiency of 95 percent for UFP (particulate matter with an aerodynamic diameter of 0.1 microns and smaller). Achieving a minimal removal efficiency of 95 percent may include, but not be limited to, the following:</p> <ul style="list-style-type: none"> ▲ strategically located air intakes pursuant to requirements and recommendations of the American Society of Heating, Refrigeration, and Air-Conditioning Engineers; ▲ positively pressurizing buildings; ▲ double-door entrances at the main entrances to buildings; and/or ▲ high-volume, low-pressure drop air exchange systems that cause UFP to pass through multiple filters at a slow enough speed such that they attach to the surface of standard electrostatic filters. <p>The air filtration and mechanical airflow systems shall be properly maintained and, on an annual basis, tested documented by a qualified professional to ensure that the UFP filtration system is operating at a minimum 95 percent effectiveness.</p> <p>Low cost air filtration systems capable of 95 percent efficiency include those developed by the UC Davis DELTA Group, which has designed a high-volume, low-pressure drop system that causes UFP to pass through multiple filters at a slow enough speed such that they attach to the surface of standard electrostatic filters (Cahill et al. 2014:6).</p>	City of Davis	Prior to issuance of certificate of occupancy with annual review of maintenance reports	
4.4 Biological Resources				
Impact 4.4-1: Disturbance or loss of special-status plants.	<p>The applicant shall implement the following measures to avoid or minimize loss of California black walnut:</p> <ul style="list-style-type: none"> ▲ Construction activities shall avoid removal of and damage to California black walnut trees that were identified as healthy or requiring training/trimming. Dead trees may be removed and do not require mitigation. The protection of the remaining black walnut trees shall include the prohibition of heavy equipment operation within the drip line of the trees to be preserved. Only hand tools may 	City of Davis	During construction	

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	<p>be used within the drip line.</p>			
	<ul style="list-style-type: none"> ▲ In the event that a California black walnut tree cannot be avoided, the applicant shall replace the trees such that there is no net loss of California black walnuts. At a minimum, each California black walnut tree will be replaced with 15-gallon California black walnut trees at a 2:1 ratio (two California black walnut trees planted for every California black walnut tree removed). The replacement trees may be incorporated into proposed plantings within designated open space areas on-site or in proximity to the old north fork Putah Creek area. 	<p>City of Davis</p>	<p>During construction</p>	
	<ul style="list-style-type: none"> ▲ Success criteria for compensatory California black walnuts shall include: <ul style="list-style-type: none"> ➤ The extent of occupied area and tree density (number of trees per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat. ➤ 5 years annual monitoring with remedial planting if mortality exceeds 20%. The applicant shall submit annual reports, prepared by a qualified arborist, to the City indicating success metrics for replacement planting. If mortality exceeds 20%, annular reporting shall continue for 5 years after remedial planting until it is demonstrated that replacement criteria stated within this measure is attained. 	<p>City of Davis</p>	<p>Once every year for 5 years following planting to ensure planting success</p>	
	<ul style="list-style-type: none"> ▲ California black walnut trees recommended for trimming/training by the 2014 arborist report for the Nishi site shall be trimmed/trained prior to initiation of construction. 	<p>City of Davis</p>	<p>Prior to initiation of construction</p>	
<p>Impact 4.4-2: Impacts to valley elderberry longhorn beetle.</p>	<p>Mitigation Measure 4.4-2: The applicant shall implement the following measures to avoid or minimize loss of valley elderberry longhorn beetle:</p> <ul style="list-style-type: none"> ▲ If elderberry shrubs are 100 feet or more from project activities, no direct or indirect impacts are expected. Shrubs will be protected during construction by establishing and maintaining a high visibility netting at least 100 feet from the drip line of each elderberry shrub with stems 1 inch or greater. If fencing would cut off access to the pedestrian/bicycle trail within the old north fork Putah Creek trail area, high visibility flagging will be used, but all contractors will be briefed as to the limits of construction and the need to avoid the flagged area. ▲ Should construction activities be necessary within 100 feet of existing elderberry shrubs, project activities may occur up to 20 feet from the dripline of elderberry shrubs, pending consultation with the USFWS. At a minimum, the following shall be implemented: <ul style="list-style-type: none"> ➤ A minimum setback of at least 20 feet from the dripline of each elderberry 	<p>City of Davis</p>	<p>Prior to initiation of and during construction</p>	
		<p>City of Davis, in consultation with USFWS</p>	<p>Prior to initiation of and during construction</p>	

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Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>plant with stems greater than one-inch diameter at ground level will be maintained to avoid direct impacts. The buffer area will be fenced with high visibility construction fencing or flagging before commencement of ground-disturbing activities and will be maintained for the duration of construction activities. The applicant will ensure that ground-disturbing activities on the project site do not alter the hydrology of the site or otherwise affect the likelihood of vigor or survival of elderberry shrubs.</p> <ul style="list-style-type: none"> ➤ The applicant will ensure that project activities, such as truck traffic or other use of machinery, do not create excessive dust on the project site, such that the growth or vigor of elderberry shrubs is adversely affected. Enforcement of a speed-limit and watering dirt roadways are potential methods to ensure that excessive dust is not created. ➤ Areas that are disturbed temporarily will be restored to pre-disturbance conditions. Erosion control measures will be implemented to restore areas disturbed within 100 feet of elderberry shrubs. ➤ No insecticides, herbicides, fertilizers, or other chemicals will be used within 100 feet of elderberry shrubs. Herbaceous vegetation may be mowed or removed using hand tools within 100 feet, but not within 20 feet of the elderberry shrubs. ➤ The applicant or its contractor will ensure that all contractors are briefed on the need to avoid damaging the elderberry plants, the status of the beetle, the need to protect its elderberry plant, and the possible penalties for not complying with these requirements. ➤ The applicant shall erect signs every 50 feet along the edge of the avoidance area with the following information: “This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.” The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction. 			
<p>Impact 4.4-3: Impacts to special status bat species.</p>	<p>Mitigation Measure 4.4-3: The applicant shall implement the following measures to avoid or minimize impacts to special status bat species:</p> <ul style="list-style-type: none"> ▲ Before ground disturbance, surveys will be conducted to determine if suitable habitat (that would be removed during construction) are occupied by bats. These areas shall be surveyed within 14 days before start of construction. Surveys may consist of daytime pedestrian surveys looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. Bat detectors may be used to supplement survey efforts, but 	<p>City of Davis</p>	<p>Prior to initiation of construction of each phase of construction</p>	

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	<p>are not required. If no evidence of bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined.</p> <ul style="list-style-type: none"> ➤ If surveys confirm bats daytime-roost will be affected by the project, a Bat Exclusion Plan will be developed by the applicant and submitted to the City for review and approval before its implementation. No bat exclusion will occur between March 1 and August 15 (depending on type of roost and location) which coincides with the maternity season in California. ➤ If a winter roost or a maternity roost is found, a 100 foot buffer will be created around a roost and no project related activities will occur within the buffer until a biologist has determined that the roost is no longer in use. 			
<p>Impact 4.4-4: Impacts to Swainson's hawk.</p>	<p>Mitigation Measure 4.4-4a: The applicant shall implement the following measures to avoid or minimize impacts to Swainson's hawk within the Nishi site:</p> <ul style="list-style-type: none"> ▲ For construction activities occurring between February 1 and August 31, the applicant shall retain a qualified biologist to conduct surveys for Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000) and/or currently accepted guidance/industry standards, subject to City of Davis review and approval. Surveys shall encompass a minimum of a 0.5-mile radius around the construction area. If nesting Swainson's hawks are detected, a 0.5-mile, no-disturbance buffer shall be established, depending on location. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Buffer distance may be reduced in consultation with CDFW. ▲ Although no Swainson's hawk nests were observed during the initial survey, it is possible that before initiation of construction, a Swainson's hawk may establish a nest within the boundaries of the project site. If a Swainson's hawk nest tree is found within the project site and said nesting tree is to be removed during construction activities, removal will take place outside of Swainson's hawk nesting season. Upon discovery, the applicant shall develop a tree replacement plan, in consultation with CDFW, to replace known active nest trees at a ratio of 3:1. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to ensure the survivability of replacement trees. ▲ Before commencement of construction, the applicant shall provide compensatory mitigation for the loss of approximately 46 acres of Swainson's hawk foraging habitat to the Yolo Habitat Conservancy (formerly HCP/NCCPJPA) in accordance with their Swainson's Hawk Interim Mitigation Program. This 	<p>City of Davis, in consultation with CDFW (if a buffer reduction is proposed)</p> <p>City of Davis, in consultation with CDFW</p> <p>City of Davis</p>	<p>Prior to initiation of construction of each phase of construction</p> <p>Prior to initiation of each phase of construction and once every year for 5 years following planting to ensure planting success</p> <p>Prior to initiation of construction</p>	

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	<p>program currently requires compensation at a 1:1 ratio and projects over 40 acres are required to provide the conservation land directly. If the project is implemented after adoption of the YNHP, in lieu of this measure, the applicant will comply with the requirements of the YNHP.</p>			
<p>Impact 4.4-5: Impacts to burrowing owl.</p>	<p>Mitigation Measure 4.4-5a: The applicant shall implement the following measures to avoid or minimize impacts to burrowing owl:</p> <ul style="list-style-type: none"> ▲ The applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls in areas supporting potentially suitable habitat (sparsely vegetated areas and those containing suitable burrows) no more than 30 days before the start of construction activities that could affect the subject areas. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. The project biologist shall conduct surveys for burrowing owls in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version). ▲ If burrowing owls are detected, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation. This guidance includes buffers around occupied burrows shall be a minimum of 656 feet (200 meters) during the nesting season, and 160 feet (100 meters) during the non-breeding season unless otherwise approved by CDFW. ▲ Outside of the nesting season (February 1 through August 31), passive owl relocation techniques shall be implemented if approved by CDFW. Owls would be excluded from burrows in the immediate impact zone within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place at least 48 hours before excavation to insure the owls have departed. ▲ The work area shall be monitored daily for 1 week to confirm owl departure from burrows before any ground-disturbing activities. ▲ Where possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. <p>Mitigation Measure 4.4-5b: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall implement the following:</p> <ul style="list-style-type: none"> ▲ If active burrows are present and the project would impact active burrows, the 	<p>City of Davis</p> <p>City of Davis, in consultation with CDFW</p> <p>City of Davis, in consultation with CDFW</p> <p>Applicant</p> <p>City of Davis</p> <p>City of Davis, in consultation with CDFW</p>	<p>No less than 30 days prior to initiation of construction of each phase</p> <p>During construction</p> <p>Prior to and during construction</p> <p>During construction</p> <p>During construction</p> <p>During construction</p>	

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	<p>project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat consistent with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version). Such mitigation may include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. If the same mitigation acreage would be utilized for multiple species (i.e., burrowing owl habitat and Swainson’s hawk foraging habitat), the appropriate wildlife agency, in this case CDFW, must approve the mitigation lands and long-term management practices for the mitigation lands as suitable and compatible for all species for which the lands are to provide compensatory mitigation. Proof of CDFW’s approval habitat “stacking” shall be provided to the City of Davis.</p>			
<p>Impact 4.4-6: Impacts to other special status nesting birds and raptors.</p>	<p>Mitigation Measure 4.4-6: The applicant shall implement the following measures to avoid or minimize impacts to special-status birds, raptors, or other birds protected under the MBTA:</p> <ul style="list-style-type: none"> ▲ For construction activities occurring between February 1 and August 31, the applicant shall retain a qualified biologist to conduct surveys for special status nesting birds and raptors no less than 14 days before the start of ground disturbing activities. These surveys can be conducted concurrently with the Swainson’s hawk and burrowing owl surveys identified in Mitigation Measures 4.4-4a and 4.4-5a. If no nesting birds are found, no further study is required. ▲ If nests are detected, the project biologist shall establish a minimum 500-foot no-disturbance buffer for raptors and a 100-foot no-disturbance buffer around all other nests until the nest is no longer active or the young have fledged. The size of the buffer may be adjusted by the project biologist if, in consultation with CDFW, it is determined that such as adjustment would not be likely to adversely affect the nest. ▲ Factors to be considered for determining buffer size shall include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers shall be maintained until a qualified biologist has determined that young have fledged and are no longer reliant upon the nest or parental care for survival. ▲ Should tricolored blackbird be relisted as a fully-protected species before construction activities associated with the project and tricolored blackbird are found during the preconstruction surveys, a 500-foot no disturbance buffer shall be established around the nesting colony unless otherwise approved by CDFW. The buffer will be maintained until a qualified biologist has determined that the 	<p>City of Davis</p> <p>City of Davis, in consultation with CDFW</p> <p>City of Davis, in consultation with CDFW</p> <p>City of Davis, in consultation with CDFW</p>	<p>Within two weeks of initiation of each phase of construction</p> <p>During construction</p> <p>During construction</p> <p>During construction</p>	

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	young have fledged and are no longer reliant upon the nest or parental care for survival.			
<p>Impact 4.4-7: Loss of riparian habitat and fill of waters of the U.S. during construction.</p>	<p>Mitigation Measure 4.4-7: The applicant shall implement the following measures to avoid, minimize, and mitigate Impacts on sensitive natural communities and compensate for loss of remnant riparian and wetland habitat:</p> <ul style="list-style-type: none"> ▲ As a first priority, the applicant will minimize wetland and/or riparian impacts through minimizing project footprint during project design and construction 	City of Davis	During project design and construction	
	<ul style="list-style-type: none"> ▲ Before any ground breaking activity along the remnant riparian area of the old north fork Putah Creek, the applicant shall retain a qualified wetland specialist who shall prepare a jurisdictional wetland delineation for both waters of the U.S. and waters of the State in sensitive areas that cannot be avoided. The preliminary delineation shall be submitted to USACE for verification. 	City of Davis, in consultation with the USACE	Prior to ground disturbance along the remnant riparian area of the old north fork Putah Creek	
	<ul style="list-style-type: none"> ▲ The creek and associated riparian areas may be subject to CDFW regulation under Section 1602 of the Fish and Game Code and shall be evaluated for CDFW jurisdiction and riparian extent. If determined to be subject to CDFW jurisdiction, CDFW shall be consulted and a Lake and Streambed Alteration Agreement notification shall be prepared. 	City of Davis, in consultation with CDFW	Prior to initiation of construction	
	<ul style="list-style-type: none"> ▲ No grading, fill, or other ground disturbing activities shall occur in proximity to the Putah Creek channel until all required permits, regulatory approvals, and permit conditions for effects on wetland and riparian habitats are obtained. Any additional avoidance, minimization, and conservation measures shall be fulfilled before construction as stipulated by the permits. 	City of Davis	Prior to initiation of and during construction	
	<ul style="list-style-type: none"> ▲ For those wetlands and riparian areas that cannot be avoided, the applicant shall commit to replace, restore, or enhance on a “no net loss” basis (in accordance with the USACE permit) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded with project implementation. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, and the RWQCB (if applicable) as appropriate, depending on agency jurisdiction, and as determined during the permitting processes. Similarly all riparian vegetation shall be compensated for, as applicable, in accordance with an obtained CDFW 1602 Streambed Alteration Agreement. 	City of Davis, in consultation with USACE and the RWQCB, if applicable	During construction	
	<ul style="list-style-type: none"> ▲ The applicant or its contractor will provide environmental awareness training to all construction workers on-site, conducted by a qualified biologist that includes the following provisions: 	City of Davis	Prior to initiation of and during construction	

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	<ul style="list-style-type: none"> ➤ The location of the Putah Creek revegetation area and its designation as “environmentally sensitive area.” This area will be protected, and no entry by the Contractor or crews will occur unless specifically authorize as per the project plans. ➤ The area will be protected by installing orange construction barrier fence at the limits of the area needed to construction improvements along this area. If needed, the contractor will work with the project biologist to identify the location for the barrier fence. The fencing will be installed before construction activities are initiated and will be maintained throughout the construction period. 			
4.5 Cultural Resources				
<p>Impact 4.5-1: Disturb unique archaeological resources.</p>	<p>Mitigation Measure 4.5-1a: Prior to initiation of vegetation removal/grading, the applicant shall retain a Registered Professional Archaeologist meeting the Secretary of Interior’s qualifications standards for prehistoric and historical archaeology to perform auger testing on the Nishi site. The objective of the auger testing is to refine specific areas where monitoring for buried (subsurface) archaeological material within specific areas of the Nishi site shall be required. A series of auger holes will be completed by a manual spiral auger and soil from each auger will be processed through 1/8 inch hardware mesh. All recovered cultural material will be recorded with respect to the specific auger and estimated depth. Excavation results, including soil description, will be recorded on field forms. Following the auger testing, a report will be prepared that describes study methods, recovered data, and conclusions. If the auger testing and associated report reveal any cultural material or areas where soils have been determined likely to conceal cultural deposits, construction monitoring (by both a Native American resources monitor and qualified archaeologist) shall occur in these areas as recommended by a qualified archaeologist.</p>	<p>City of Davis</p>	<p>Prior to initiation of vegetation removal/grading</p>	
	<p>Mitigation Measures 4.5-1b: In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block-unit excavation and data recovery. If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American</p>	<p>City of Davis</p>	<p>During construction</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code §5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Public Resources Code §5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (Public Resources Code §5097.993), the archaeologist shall recommend to the applicant potentially feasible procedures that would preserve the integrity of the site or minimize impacts on it.</p>			
<p>Impact 4.5-2: Accidental discovery of human remains.</p>	<p>Mitigation Measure 4.5-2: California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.</p> <p>If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Yolo County coroner and the NAHC immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner’s and NAHC’s findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.</p>	<p>City of Davis, in consultation with Yolo County Coroner and NAHC</p>	<p>During construction</p>	
<p>4.7 Greenhouse Gas Emissions, Climate Change, and Energy</p>				
<p>Impact 4.7-2: Considerably contribute to climate change through project-generated greenhouse gas emissions during operation.</p>	<p>Mitigation Measure 4.7-2a: Each individual project or subdivision developed/constructed as a part of the Nishi Gateway Project shall demonstrate consistency with the D-CAAP by achieving a downward trajectory in GHG emissions, towards the City goal of zero net GHG emissions by the year 2050. The project must achieve the target in place for the year in which the application (for any development within the Nishi site) is filed.</p> <p>At the City’s discretion, compliance with this mitigation measure for different development activities associated with the same approval may occur at different stages in the development process depending on the nature of the project and may be based on the year that physical improvements are anticipated. GHG emissions associated with all activities</p>	<p>City of Davis</p>	<p>At the time of or before building permits are issued</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

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	<p>must demonstrate consistency with this measure at the time of or before building permits are issued. Mitigation for buildings shall occur at the time the building permit is issued, and the amount of mitigation shall be based on the year the building permit is issued. Mitigation for other emissions from a project may occur at an earlier approval but no later than issuance of entitlements. The applicant may file and City may consider and approve a GHG mitigation plan that lays out the mitigation for different stages of development within the same subsequent project approval.</p> <ol style="list-style-type: none"> 1. Prior to issuance of any subsequent entitlement or permit in the Nishi development, or alternatively prior to any approval taking effect, the applicant shall implement the following steps unless these steps have already been undertaken for the project through a prior approval or action: 2. Using CalEEMod or another model accepted for this purpose by the City, calculate total expected GHG emissions (all sectors) for the proposed project under two scenarios: a) 1990 emissions rates; and, b) emission rates applicable at the time of the application, taking into account applicable building standards and other adopted regulatory requirements, as well as building design, use of renewable energy, etc. Calculate the difference between these two scenarios in step 1 as a percentage of the 1990 project emissions. 3. Compare the difference in emissions from step 2 to the required minimum emissions reduction schedule provided below: <table border="1" data-bbox="506 894 1276 1474"> <thead> <tr> <th data-bbox="506 894 772 951">Applications Filed On or Before</th> <th data-bbox="772 894 1276 951">Minimum Required Reduction in GHG Emissions From Calculated 1990 Emissions</th> </tr> </thead> <tbody> <tr><td>12/31/16</td><td>22.5</td></tr> <tr><td>12/31/17</td><td>25.0</td></tr> <tr><td>12/31/18</td><td>27.5</td></tr> <tr><td>12/31/19</td><td>30.0</td></tr> <tr><td>12/31/20</td><td>32.5</td></tr> <tr><td>12/31/21</td><td>35.0</td></tr> <tr><td>12/31/22</td><td>37.5</td></tr> <tr><td>12/31/23</td><td>40.0</td></tr> <tr><td>12/31/24</td><td>42.5</td></tr> <tr><td>12/31/25</td><td>45.0</td></tr> <tr><td>12/31/26</td><td>47.5</td></tr> <tr><td>12/31/27</td><td>50.0</td></tr> <tr><td>12/31/28</td><td>52.5</td></tr> <tr><td>12/31/29</td><td>55.0</td></tr> <tr><td>12/31/30</td><td>57.5... (2.5% increased reduction per year)</td></tr> <tr><td>12/31/35</td><td>70.0... (2.5% increased reduction per year)</td></tr> <tr><td>12/31/40</td><td>82.5... (2.5% increased reduction per year)</td></tr> </tbody> </table>	Applications Filed On or Before	Minimum Required Reduction in GHG Emissions From Calculated 1990 Emissions	12/31/16	22.5	12/31/17	25.0	12/31/18	27.5	12/31/19	30.0	12/31/20	32.5	12/31/21	35.0	12/31/22	37.5	12/31/23	40.0	12/31/24	42.5	12/31/25	45.0	12/31/26	47.5	12/31/27	50.0	12/31/28	52.5	12/31/29	55.0	12/31/30	57.5... (2.5% increased reduction per year)	12/31/35	70.0... (2.5% increased reduction per year)	12/31/40	82.5... (2.5% increased reduction per year)			
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Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>12/31/45 95.0... (2.5% increased reduction per year) 12/31/50 100.0</p> <p>4. If the difference calculated in step 2 is greater than the required reduction in step 3, the Nishi development may “bank” this as a credit to use with later projects.</p> <p>5. If the difference calculated in step 2 does not demonstrate the required reduction in step 3, applicant shall identify feasible actions to achieve the required reductions using the following priority: First priority – building specific actions Second priority – on-site (within Nishi site) actions Third priority – community based (within Davis) actions Fourth priority – pay GHG reduction fees (carbon offsets) into a qualified existing local program, if one is in place Fifth priority – other demonstrated method of reducing emissions</p> <p>6. Calculate, using acceptable methods, the measurable GHG reduction value of each proposed action.</p> <p>7. Provide a Technical Memorandum of Compliance (TMC) documenting the following minimum items: modeling (step 1); emissions calculations (step 2); applicable reduction (step 3); chosen feasible actions to achieve required reduction (step 4); and measurable GHG reduction value of each action (step 5). The TMC and all steps of the process are subject to review and authorization by the City of Davis Department of Community Development and Sustainability.</p> <p>8. Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development and Sustainability. The City upon review and acceptance of implementation, shall issue the subject entitlement, permit, or approval.</p>			
	<p>Mitigation Measure 4.7-2b: Every 5 years the Nishi development shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the entire innovation center. The report shall be submitted by 12/31 of each fifth year starting in 2020. First report due by 12/31/20, second report due by 12/31/25, etc., through 2050. 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.</p> <p>1. Projected annual GHG emissions for the Nishi development, total and by sector, from the project EIR</p> <p>2. GHG emissions from all uses collectively operating at the Nishi development, total and by sector, at the time of reporting.</p> <p>3. GHG emissions from each occupied building within the Nishi development, total and by sector.</p> <p>4. Summary of prior TMCs and 5-year reports</p>	City of Davis	Once every 5 years beginning in 2020	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	5. Running total of Nishi development emissions reductions and reduction credits, in total and by building 6. Comprehensive data base and summary of implemented reduction actions			
4.8 Hazards and Hazardous Materials				
Impact 4.8-2: Result in the release of hazardous materials from a site of known or potential contamination.	<p>Mitigation Measure 4.8-2a: Prior to initiation of grading or other groundwork, the applicant shall conduct soil sampling within the boundaries of the project site. This investigation will follow the American Society for Testing and Materials standards for preparation of a Phase II environmental site assessment and/or other appropriate testing guidelines. The assessment will include soil sampling consistent with DTSC’s guidelines for development of former agricultural properties. (The investigation is anticipated to include 57 borings and 15 composite samples for organochlorine pesticides and 15 discrete samples for arsenic, as well as soil sampling within 30 feet of the existing and pre-1974 alignment of I-80, at the edge of the railroad right-of-way, and near the active agricultural well.) If the results indicate that contamination exists at levels above regulatory action standards, then the site will be remediated in accordance with recommendations made by applicable regulatory agencies, including YCEHD, RWQCB, and DTSC. The agencies involved shall depend on the type and extent of contamination.</p> <p>Based on the results and recommendations of the investigation described above, the applicant shall prepare a work plan that identifies any necessary remediation activities, including excavation and removal of on-site contaminated soils, and redistribution of clean fill material on the project site. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil removed from the site.</p>	City of Davis, in consultation with YCEHD, RWQCB, and DTSC, as appropriate	Prior to ground disturbance	
	<p>Mitigation Measure 4.8-2b: Prior to initiation of grading or other groundwork, the applicant shall provide a hazardous materials contingency plan to YCEHD. The plan will describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of underground storage tanks or buried building material.</p> <p>If at any time during the course of constructing the project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact YCEHD. Work shall not recommence until the discovery has been assessed/treated appropriately (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of YCEHD, RWQCB, and DTSC (as applicable). The plan, and obligations to abide by and implement the plan, shall be incorporated into the construction and contract specifications of the project.</p>	City of Davis, in consultation with YCEHD as appropriate	Prior to ground disturbance	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>Mitigation Measure 4.8-2c: Prior to any ground disturbance activities within 50 feet of the well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit and properly abandon the on-site well, pursuant to review and approval by the City Engineer and the Yolo County Environmental Health Service Department. Well abandonment shall be completed before mass grading within 50 feet of the well.</p>	<p>City of Davis Engineer and the Yolo County Environmental Health Service Department</p>	<p>Prior to ground disturbance within 50 feet of the well</p>	
<p>4.9 Hydrology and Water Quality</p>				
<p>Impact 4.9-4: Drainage and runoff impacts.</p>	<p>Mitigation Measure 4.9-4: The SWQCP prepared for the City of Davis and before the issuance of building permits shall incorporate provisions to accommodate the existing volume of upstream drainage flows from the I-80 right-of-way and the 58-acre section of the UC Davis campus west of the project area. These flows may be conveyed directly through the site (pass-through) or infiltrated in part or in whole within the Nishi stormwater management system. Development of the Nishi site shall not create backwater conditions or upstream flooding.</p>	<p>City of Davis</p>	<p>Prior to issuance of building permits</p>	
<p>4.11 Noise and Vibration</p>				
<p>Impact 4.11-1: Generate short-term, construction-related noise on nearby sensitive land uses.</p>	<p>Mitigation Measure 4.11-1: The City shall require the applicant to implement the following noise reduction measures during project construction as directed by the City:</p> <ul style="list-style-type: none"> ▲ All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses, and/or located such that existing or constructed topography blocks line-of-site between affected noise-sensitive land uses and construction staging areas. ▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation. ▲ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site) where feasible and consistent with building codes and other applicable laws and regulations. ▲ All construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. The self-adjusting backup alarms shall automatically adjust to 5 dBA over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels. In addition to the use of backup alarms, the construction contractor shall consider other techniques such as observers and 	<p>City of Davis</p>	<p>During construction</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>the scheduling of construction activities so that alarm noise is minimized.</p> <ul style="list-style-type: none"> ▲ The applicant or construction contractors shall post visible signs along the perimeter of the construction site that disclose construction times and duration. A contact number for a City of Davis enforcement officer shall be included where noise complaints can be filed and recorded. The applicant will be informed of any noise complaints and responsible for investigating complaints and implementing feasible and appropriate measures to reduce noise levels at receiving land uses. Such measures may include but are not limited to: <ul style="list-style-type: none"> ▶ Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors). ▶ Install temporary noise curtains that meet the following parameters: <ul style="list-style-type: none"> ▪ temporary noise curtains shall be installed as close as possible to the boundary of the construction site within the direct line of sight path of the nearby sensitive receptor(s). ▪ temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot. 			
<p>Impact 4.11-3: Exposure of existing sensitive receptors to operational project-generated stationary noise.</p>	<p>Mitigation Measure 4.11-3: The project applicant shall implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources:</p> <ul style="list-style-type: none"> ▲ All electrical generators shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers’ specifications. 	<p>City of Davis</p>	<p>Prior to issuance of certificate of occupancy</p>	
	<ul style="list-style-type: none"> ▲ External mechanical equipment, including HVAC units, associated with buildings shall incorporate features designed to reduce noise emissions below the stationary noise source criteria. These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors. 	<p>City of Davis</p>	<p>Prior to issuance of certificate of occupancy and verified through plan review of building permits</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ▲ Should R&D tenants require outdoor testing/activities, tenants shall submit exterior noise estimates for long-term and short-term research and development activities to the City for review and approval prior to implementation. Exterior noise levels shall be estimated for receptor distances equivalent to distances from on-site and off-site residential land uses and shall demonstrate compliance with City of Davis noise limits, as applicable. 	City of Davis	Prior to R&D tenants outdoor testing/activities	
<p>Impact 4.11-5: Exposure of proposed and existing sensitive receptors to transportation noise sources.</p>	<p>Mitigation Measure 4.11-5a: Where feasible, locate new sensitive receptors such that the outdoor activity area (e.g., balcony or porch) is on the opposite side of the structure from the UPRR line such that the structure itself would provide a barrier between transportation noise and the outdoor activity areas.</p>	City of Davis	Prior to issuance of building permits	
	<p>Mitigation Measure 4.11-5b: The applicant shall work in conjunction with the City of Davis to pursue and establish a Quiet Zone with the Federal Railroad Administration at Arboretum Drive, adjacent to the Nishi property. Upon confirming the assessing and confirming the feasibility of establishing a Quiet Zone, the applicant and City shall proceed to apply for the Quiet Zone designation.</p> <p>The application and procedural steps to establish a Quiet Zone adjacent to the project site shall commence concurrent with the start of initial site grading activities. The project applicant shall fund all studies associated with the application for the establishment of the Quiet Zone. The installation and construction of alternative safety measures associated with the Quiet Zone (including, but not limited to: signage, gates, etc.) shall be implemented by the project applicant.</p>	City of Davis, in consultation with Federal Railroad Administration	The application and procedural steps to establish a Quiet Zone adjacent to the project site shall commence concurrent with the start of initial site grading activities Prior to issuance of building permits	
	<p>Mitigation Measure 4.11-5c: The applicant shall design and construct the residential buildings along the rail line such that train horn events and noise from passing trains would not increase by more than 5dBA SEL from existing SEL levels. These designs can include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Incorporation of acoustically absorptive material, shape, angle, or overall design in building façade facing the railroad. ▲ Changing the shape of proposed buildings adjacent to the railroad and Solano Park Apartments such that noises from passing trains, including warning horns, are dispersed and not concentrated on sensitive receptors. 	City of Davis	Prior to issuance of building permits	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
4.14 Transportation and Circulation				
<p>Impact 4.14-1: Impacts to local intersections outside freeway interchange areas.</p>	<p>Mitigation Measure 4.14-1: The project applicant shall fund the design and construction of modifications to the single lane roundabout at the intersection of Old Davis Road/La Rue Road. These modifications will consist of constructing a right-turn bypass lane from southbound La Rue Road to westbound Old Davis Road. Implementation of this mitigation measure will improve LOS to D or better. The roundabout design shall be reviewed and approved by the University before implementation.</p>	<p>City of Davis</p>	<p>Prior to initiation of construction</p>	
<p>Impact 4.14-2: Impacts to intersections within the Richards Boulevard interchange area.</p>	<p>Mitigation Measure 4.14-2: The project applicant shall implement the following measures related to roadway and intersection widening within the Richards Boulevard interchange area.</p> <p><i>Phase 1 Improvements</i></p> <p>The project applicant shall either make a fair share contribution for the following Phase 1 improvements prior to initiation of construction of Phase 1 or conduct a focused traffic assessment to provide a more detailed assessment of the mitigation trigger timing.</p> <ul style="list-style-type: none"> ▲ Richards Boulevard/Olive Drive: <ul style="list-style-type: none"> ➤ Widen the south leg of Richards Boulevard to add a second northbound left turn lane (from northbound Richards to westbound Olive Drive) with a storage length of approximately 250 feet. Widen the north leg of Richards Boulevard to add a second southbound through/turn lane. The widening of the south leg may require some widening of the approach to the underpass and construction of new retaining walls to support the new turn lane. No modification of the existing underpass is required. ➤ Widen the west leg of West Olive Drive to provide two westbound lanes and three eastbound lanes. The eastbound lanes on West Olive Drive at Richards Boulevard shall include a left turn lane, a through lane, and a right turn lane. On-street bike lanes, which may include either a sharrow (shared bike and vehicle lane) or dedicated bike lane, shall be provided on West Olive Drive. ▲ Richards Boulevard/Private Driveways: Place barriers in the median of Richards Boulevard to restrict driveway access, between West Olive Drive and the I-80 westbound ramps, to right-in, right-out movements only. ▲ Richards Boulevard/I-80 Westbound Ramps: Realign the westbound ramps to eliminate the two loop ramps to provide a diamond ramp configuration and install a traffic signal. Provide an exclusive left turn lane and two exclusive right turn lanes on the westbound off-ramp approach. Provide one through lane and two exclusive left turn lanes on the northbound approach. Provide two through lanes and an exclusive right turn lane on the southbound approach. The 	<p>City of Davis, in consultation with Caltrans as appropriate</p>	<p>Prior to initiation of construction of Phase 1</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>southbound right turn lane shall extend from just south of the existing Cafe Italia driveway to the new westbound on-ramp entrance.</p> <p><i>Phase 2 Improvements</i> The project applicant shall contribute appropriate funds for the following Phase 2 improvements, which shall be constructed before occupancy of project uses that would generate fifty percent or more of the forecast project a.m. peak hour trips. Alternately, the project applicant may conduct a focused traffic assessment to provide a more detailed assessment of the mitigation trigger timing.</p> <ul style="list-style-type: none"> ▲ Richards Boulevard/Eastbound Off-Ramp: Widen the eastbound off-ramp to provide a second exclusive left turn lane. ▲ Richards Boulevard Bicycle Cycle Track: construct a separated cycle track on the west side of Richards Boulevard from West Olive Drive to Research Park Drive. ▲ Richards Boulevard/Eastbound On-Ramp: Provide ramp metering for the eastbound I-80 on-ramp. 	<p>City of Davis, in consultation with Caltrans as appropriate</p>	<p>Before occupancy of project uses that would generate fifty percent or more of the forecast project a.m. peak hour trips</p>	
<p>Impact 4.14-5: Increase in vehicle miles travelled.</p>	<p>Mitigation Measure 4.14-5: Before issuance of the first building permit, the applicant shall prepare a TDM program, including any anticipated phasing, and submit it to the City Department of Public Works for review and approval. The TDM program must be designed to achieve the following.</p> <ol style="list-style-type: none"> 1. Reduce trips to achieve one and five-tenths (1.5) AVR in accordance with Davis Municipal Code Section 22.15.060, 2. Reduce daily and peak hour vehicle trips, as forecast for the project in this transportation impact assessment, by 10 percent for every project phase, and 3. Reduce daily VMT by a minimum of 20 percent. <p>The management entity shall be responsible for implementing the TDM Program.</p> <p>(a) The plan shall identify trip reduction/TDM proposed programs and strategies to achieve the above objectives that may include, but are not limited to, the following. The following programs and strategies are described in more detail in the Nishi Gateway Project Sustainability Implementation Plan.</p> <ol style="list-style-type: none"> (1) Bicycle Infrastructure and Incentives; (2) Transit Infrastructure and Incentives; (3) Work Force Housing; (4) Parking Pricing and Supply Management; (5) Transportation Management Association (TMA) Membership and Program Management; 	<p>City of Davis</p>	<p>Before issuance of the first building permit</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>(6) Innovative Electric Vehicle Infrastructure and Shared Fleet; (7) Additional Implementing Actions – Subsidized Bikeshare Membership, Subsidized Carshare Membership, Ride Sharing Program, and Vanpool Program.</p> <p>(b) Single-phase development projects shall achieve TDM AVR objectives within five (5) years of issuance of any certificate of occupancy. Multi-phased projects shall achieve the objectives for each phase within three (3) years of the issuance of any certificate of occupancy.</p> <p>(c) In conjunction with final map approval, recorded codes, covenants and restrictions (CC&Rs) shall include provisions to guarantee adherence to the TDM objectives and perpetual operation of the TDM program regardless of property ownership, inform all subsequent property owners of the requirements imposed herein, and identify potential consequences of nonperformance. Each space use agreement (i.e., lease document) shall also include TDM provisions for the site as a means to inform and commit tenants to, and participate in, helping specific applicable developments meet TDM performance requirements.</p>			
	<p>(d) Ongoing reporting:</p> <p>(1) Annual TDM Report. The Management Entity for the Project shall submit an annual status report on the TDM program to the City Department of Public Works beginning a year after the issuance of any certificate of occupancy and no less than five (5) years after buildout. Data shall be collected in October of each year and the Annual Report submitted by December 31 of each year. The report shall be prepared in the form and format designated by the City, which must either approve or disapprove the program within sixty (60) days.</p> <p>i. The TDM performance reports shall focus on the trip reduction incentives offered by the project, their effectiveness, the estimated greenhouse gas (GHG) emissions generated by the project, and the methods by which Carbon Neutrality will be achieved. The report shall:</p> <ul style="list-style-type: none"> ▲ report the AVR levels attained; ▲ verify the TDM plan incentives that have been offered; ▲ describe the use of those incentives offered by employers; ▲ evaluate why the plan did or did not work to achieve the AVR targets and explain why the revised plan is more likely to achieve the AVR target levels; ▲ list additional incentives which can be reasonably expected to correct deficiencies; ▲ evaluate the feasibility and effectiveness of trip reduction/TDM 	<p>City of Davis</p>	<p>Annually, beginning one year after the issuance of any certificate of occupancy and no less than five (5) years following buildout</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>program and strategies, as implemented;</p> <ul style="list-style-type: none"> ▲ estimate the greenhouse gas emissions generated by Project transportation operations; and ▲ identify off-setting GHG credits to be secured by the Project to achieve carbon neutrality. <p>ii. The Management Entity shall conduct employee travel surveys annually to determine TDM program participation, AVR levels, and estimated mode shares, and monitor weekday a.m. and p.m. peak hour traffic operations every three years at all impact locations identified in this EIR, comparing the operating LOS with the relevant standards in this EIR. The survey instrument and LOS monitoring plan will be reviewed and approved by the City before implementation.</p> <p>iii. The Management Entity shall also develop and implement a program to monitor daily and peak hour traffic volumes entering and exiting the site, to be conducted annually. The monitoring shall demonstrate that the external vehicle trip generation remains below the EIR projection of 425 a.m. peak hour trips and 465 p.m. peak hour trips. The monitoring program may include statistical considerations to ensure that non-statistically significant increases do not constitute violation of the trip ceiling.</p> <p>iv. If the trip ceiling is exceeded for any two consecutive years, the Management Entity will contribute funding to be determined in a separate study, subject to review and approval by the City of Davis, toward the provision of additional or more intensive travel demand management programs, such as enhanced regional transit service to the site, employee shuttles, subsidies for existing transit service, bicycle facilities, and/or make multi-modal street improvement and other potential measures.</p> <p>v. In the event that other TDM objectives are not met as documented in the Annual Monitoring Report submitted by December 31 of each year, the Management Entity shall:</p> <ul style="list-style-type: none"> ▲ Submit to the City within thirty (30) days of submittal of the annual report, a list of TDM measures that will be implemented to meet the TDM objectives within one hundred eighty (180) days of submittal of annual report. At the end of the one-hundred-eighty-day period, the Management Entity shall submit a revised performance report to determine compliance with TDM objectives. No further measures will be necessary if the TDM objectives are met. 			

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
<p>Impact 4.14-7: Impacts associated with construction vehicle traffic.</p>	<p>Mitigation Measure 4.14-7: Before 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 Caltrans, 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:</p> <ul style="list-style-type: none"> ▲ the number of truck trips, time, and day of street closures; ▲ time of day of arrival and departure of trucks; ▲ limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting; ▲ provision of a truck circulation pattern; ▲ provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas); ▲ maintain safe and efficient access routes for emergency vehicles; ▲ manual traffic control when necessary; ▲ proper advance warning and posted signage concerning street closures; and ▲ provisions for pedestrian and bicycle safety, including maintaining a clear path for cyclists and pedestrians along the Putah Creek bike path throughout construction. <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>City of Davis, in consultation with Caltrans, Unitrans, Yolobus, and local emergency service providers</p>	<p>Prior to initiation of construction</p>	
<p>Impact 4.14-9: Impacts to transit service.</p>	<p>Mitigation Measure 4.14-9: If Access Scenario 1 (2 access points) is adopted, the project applicant shall fund and construct new bus stops within the project site on the West Olive Drive Extension, at a central location in the project site upon occupancy of the first building. The improvements can be constructed within the existing right-of-way. The project applicant shall prepare design plans, to be reviewed and approved by the City Public Works Department, and construct bus stops with shelters, paved pedestrian waiting areas, lighting, real time transit information signage, and pedestrian connections between the new bus stops and all buildings on the project site.</p>	<p>City of Davis</p>	<p>Prior to initiation of construction</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
4.15 Utilities				
<p>Impact 4.15-2: Impacts to water infrastructure.</p>	<p>Mitigation Measure 4.15-2: Prior to approval of improvement plans for construction at the Nishi site, the applicant shall coordinate with the City of Davis Public Works Department to fund and replace approximately 3,000 feet of the existing 6” and 10” water lines within Olive Drive, east of Richards Boulevard, with a 12” pipe. This improvement shall be completed before initiation of operation of land uses within the Nishi site.</p>	<p>City of Davis</p>	<p>Prior to approval of improvement plans</p>	
<p>Impact 4.15-3: Impacts to wastewater infrastructure.</p>	<p>Mitigation Measure 4.15-3: Prior to issuance of building permits for the Nishi site, the applicant shall coordinate with the City of Davis Public Works Department and conduct a refined engineering analysis, including flow monitoring, of existing sewer lines between the project site and Sewer Lift Station No. 4 to confirm adequate flow capacity. At a minimum, the applicant shall replace the existing 8” sewer line within Olive Drive with a 12” pipe. Should additional sewer pipe upsizing be deemed necessary through coordination with the City Public Works Department, the applicant shall replace those pipes before operation of on-site uses.</p>	<p>City of Davis</p>	<p>Prior to issuance of building permits</p>	
<p>Listed below are only those cumulative impacts that were determined to be significant.</p>				
<p>5.3.14 Transportation and Circulation</p>	<p>Mitigation Measure 5.14-1a: Improvements to the First Street/F Street intersection are not currently included in the City’s transportation development fee program. The project applicant shall fund a City-administered engineering analysis to determine a probable estimate of costs and a fair share of the improvements. The City of Davis shall include the project in the development fee program. The project applicant shall contribute appropriate fees for the design and construction of the installation of a traffic signal at the First Street/F Street intersection and the widening of the eastbound lane on First Street, from E Street to just east of F Street, to provide a dedicated eastbound left turn lane and eastbound through lane. Alternately, the left turn movement from eastbound First Street onto northbound F Street could be prohibited, requiring eastbound traffic on First Street to continue on to G Street.</p>	<p>City of Davis</p>	<p>Prior to initiation of construction</p>	
	<p>The following mitigation measures apply to Access Scenario 1 only.</p> <p>Mitigation Measure 5.14-1b: The project applicant shall contribute appropriate fees for the design and construction of the installation of a single lane roundabout, or equivalent measure, at the intersection of Old Davis Road/New Connector Street on the UC Davis campus. The improvement shall be constructed concurrent with completion of the new underpass and roadway that would connect the Nishi Gateway project and the UC Davis campus. The improvement design shall be reviewed and approved by UC Davis staff and the Davis Public Works Department before implementation.</p>	<p>City of Davis, in cooperation with UC Davis</p>	<p>Prior to initiation of construction</p>	

Table 4-1 Nishi Gateway Project Mitigation Monitoring and Reporting Program – Nishi Site

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>Mitigation Measure 5.14-1c: The project applicant shall contribute appropriate fees for the design and construction of the installation of a traffic signal at the West Olive Drive/West Olive cul-de-sac intersection located approximately 350 feet west of the Richards Boulevard/Olive Drive intersection.</p>	City of Davis	Prior to initiation of construction	
	<p>Mitigation Measure 5.14-2: The applicant shall contribute appropriate fees for the implementation of travel route management strategies, including changeable message signs with route delay information and downtown parking capacity information, signal coordination and timing plans, and other roadway network management strategies, as appropriate, to efficiently manage the capacities of the various roadways serving as the primary travel corridors in Davis.</p> <p>This project is not currently included in the City’s transportation development fee program. The project applicant shall fund a City-administered engineering analysis to determine a probable estimate of costs and a fair share of the improvements. The City of Davis shall include the project in the development fee program. The City, in cooperation with UC Davis, shall implement information systems in South Davis, Downtown Davis, and on the UC Davis campus that inform motorists when Richards Boulevard, between First Street and Research Park Drive, is heavily congested and encourage the use of alternate routes – particularly for through traffic without a destination in Downtown Davis. The information systems shall include vehicle detection equipment at key points on Richards Boulevard in the I-80 interchange and changeable message signs (CMS) with route delay information and downtown parking capacity information. Alternate interchange access points include the I-80/Old Davis Road interchange for campus traffic and the I-80/Mace Boulevard interchange for South Davis traffic.</p>	City of Davis, in cooperation with UC Davis	Prior to initiation of construction	
5.3.15 Utilities (Wastewater Treatment).	<p>Mitigation Measure 5.15-1: Prior to approval of improvement plans for each phase of development, the applicant shall provide funding for the City to perform a WWTP analysis to identify the then-current City of Davis WWTP BOD loading capacity. If the WWTP analysis determines that adequate BOD loading capacity exists at the WWTP to serve the project, further action is not required for the phase under review. If the analysis finds that the WWTP BOD loading capacity is not sufficient to serve the particular development phase under review, that phase of development shall not be approved until a plan, for financing and constructing additional BOD loading capacity improvements has been prepared and approved; the additional BOD loading capacity improvements have been constructed; and the City Engineer has verified that sufficient capacity exists to serve said phase.</p>	City of Davis	Prior to approval of improvement plans	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
4.4 Biological Resources				
Impact 4.4-1: Disturbance or loss of special-status plants.	<p>The applicant shall implement the following measures to avoid or minimize loss of California black walnut:</p> <ul style="list-style-type: none"> ▲ Construction activities shall avoid removal of and damage to California black walnut trees that were identified as healthy or requiring training/trimming. Dead trees may be removed and do not require mitigation. The protection of the remaining black walnut trees shall include the prohibition of heavy equipment operation within the drip line of the trees to be preserved. Only hand tools may be used within the drip line. 	City of Davis	During construction	
	<ul style="list-style-type: none"> ▲ In the event that a California black walnut tree cannot be avoided, the applicant shall replace the trees such that there is no net loss of California black walnuts. At a minimum, each California black walnut tree will be replaced with 15-gallon California black walnut trees at a 2:1 ratio (two California black walnut trees planted for every California black walnut tree removed). The replacement trees may be incorporated into proposed plantings within designated open space areas on-site or in proximity to the old north fork Putah Creek area. 	City of Davis	During construction	
	<ul style="list-style-type: none"> ▲ Success criteria for compensatory California black walnuts shall include: <ul style="list-style-type: none"> ➤ The extent of occupied area and tree density (number of trees per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat. ➤ 5 years annual monitoring with remedial planting if mortality exceeds 20%. The applicant shall submit annual reports, prepared by a qualified arborist, to the City indicating success metrics for replacement planting. If mortality exceeds 20%, annular reporting shall continue for 5 years after remedial planting until it is demonstrated that replacement criteria stated within this measure is attained. 	City of Davis	Once every year for 5 years following planting to ensure planting success	
	<ul style="list-style-type: none"> ▲ California black walnut trees recommended for trimming/training by the 2014 arborist report for the Nishi site shall be trimmed/trained prior to initiation of construction. 	City of Davis	Prior to initiation of construction	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
<p>Impact 4.4-2: Impacts to valley elderberry longhorn beetle.</p>	<p>Mitigation Measure 4.4-2: The applicant shall implement the following measures to avoid or minimize loss of valley elderberry longhorn beetle:</p> <ul style="list-style-type: none"> ▲ If elderberry shrubs are 100 feet or more from project activities, no direct or indirect impacts are expected. Shrubs will be protected during construction by establishing and maintaining a high visibility netting at least 100 feet from the drip line of each elderberry shrub with stems 1 inch or greater. If fencing would cut off access to the pedestrian/bicycle trail within the old north fork Putah Creek trail area, high visibility flagging will be used, but all contractors will be briefed as to the limits of construction and the need to avoid the flagged area. 	<p>City of Davis</p>	<p>Prior to initiation of and during construction</p>	
	<ul style="list-style-type: none"> ▲ Should construction activities be necessary within 100 feet of existing elderberry shrubs, project activities may occur up to 20 feet from the dripline of elderberry shrubs, pending consultation with the USFWS. At a minimum, the following shall be implemented: <ul style="list-style-type: none"> ➤ A minimum setback of at least 20 feet from the dripline of each elderberry plant with stems greater than one-inch diameter at ground level will be maintained to avoid direct impacts. The buffer area will be fenced with high visibility construction fencing or flagging before commencement of ground-disturbing activities and will be maintained for the duration of construction activities. The applicant will ensure that ground-disturbing activities on the project site do not alter the hydrology of the site or otherwise affect the likelihood of vigor or survival of elderberry shrubs. ➤ The applicant will ensure that project activities, such as truck traffic or other use of machinery, do not create excessive dust on the project site, such that the growth or vigor of elderberry shrubs is adversely affected. Enforcement of a speed-limit and watering dirt roadways are potential methods to ensure that excessive dust is not created. ➤ Areas that are disturbed temporarily will be restored to pre-disturbance conditions. Erosion control measures will be implemented to restore areas disturbed within 100 feet of elderberry shrubs. ➤ No insecticides, herbicides, fertilizers, or other chemicals will be used within 100 feet of elderberry shrubs. Herbaceous vegetation may be mowed or removed using hand tools within 100 feet, but not within 20 feet of the elderberry shrubs. ➤ The applicant or its contractor will ensure that all contractors are briefed on the need to avoid damaging the elderberry plants, the status of the beetle, the need to protect its elderberry plant, and the possible penalties for not complying with these requirements. 	<p>City of Davis, in consultation with USFWS</p>	<p>Prior to initiation of and during construction</p>	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ➤ The applicant shall erect signs every 50 feet along the edge of the avoidance area with the following information: “This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.” The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction. 			
<p>Impact 4.4-3: Impacts to special status bat species.</p>	<p>Mitigation Measure 4.4-3: The applicant shall implement the following measures to avoid or minimize impacts to special status bat species:</p> <ul style="list-style-type: none"> ▲ Before ground disturbance, surveys will be conducted to determine if suitable habitat (that would be removed during construction) are occupied by bats. These areas shall be surveyed within 14 days before start of construction. Surveys may consist of daytime pedestrian surveys looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. Bat detectors may be used to supplement survey efforts, but are not required. If no evidence of bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined. ➤ If surveys confirm bats daytime-roost will be affected by the project, a Bat Exclusion Plan will be developed by the applicant and submitted to the City for review and approval before its implementation. No bat exclusion will occur between March 1 and August 15 (depending on type of roost and location) which coincides with the maternity season in California. ➤ If a winter roost or a maternity roost is found, a 100 foot buffer will be created around a roost and no project related activities will occur within the buffer until a biologist has determined that the roost is no longer in use. 	<p>City of Davis</p>	<p>Prior to initiation of construction</p>	
<p>Impact 4.4-4: Impacts to Swainson’s hawk.</p>	<p>Mitigation Measure 4.4-4b: The applicant shall implement the following measures to avoid or minimize impacts to Swainson’s hawk within West Olive Drive:</p> <ul style="list-style-type: none"> ▲ For construction activities occurring between February 1 and August 31, the applicant shall retain a qualified biologist to conduct surveys for Swainson’s hawk in accordance with the Swainson’s Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000) and/or currently accepted guidance/industry standards. Surveys shall encompass a minimum of a 0.5-mile radius around the construction area. If nesting Swainson’s hawks are detected, a 0.5-mile, no-disturbance buffer shall be established, depending on location. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Buffer distance may be reduced in consultation with CDFW. 	<p>City of Davis and CDFW (if a buffer reduction is proposed)</p>	<p>Prior to initiation of construction</p>	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ▲ Although no Swainson’s hawk nests were observed during the initial survey, it is possible that before initiation of construction, a Swainson’s hawk may establish a nest within the boundaries of the project site. If a Swainson’s hawk nest tree is found within the project site and said nesting tree is to be removed during construction activities, removal will take place outside of Swainson’s hawk nesting season. Upon discovery, the applicant shall develop a tree replacement plan, in consultation with CDFW, to replace known active nest trees at a ratio of 3:1. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to assess the mitigation’s effectiveness. The plan shall include a performance standard for the mitigation that results in no net loss of nesting habitat. 	<p>City of Davis, in consultation with CDFW</p>	<p>Prior to initiation of construction and once every year for 5 years following planting to ensure planting success</p>	
<p>Impact 4.4-5: Impacts to burrowing owl.</p>	<p>Mitigation Measure 4.4-5c: The applicant shall implement the following measures to avoid or minimize impacts to burrowing owl:</p> <ul style="list-style-type: none"> ▲ The applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls in areas supporting potentially suitable habitat (sparsely vegetated areas and those containing suitable burrows) no more than 30 days before the start of construction activities that could affect the subject areas. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. The project biologist shall conduct surveys for burrowing owls in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version). ▲ If burrowing owls are detected, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation. This guidance includes buffers around occupied burrows shall be a minimum of 656 feet (200 meters) during the nesting season, and 160 feet (100 meters) during the non-breeding season unless otherwise approved by CDFW. 	<p>City of Davis</p>	<p>No less than 30 days prior to initiation of construction</p>	
<p>Impact 4.4-6: Impacts to other special status nesting birds and raptors.</p>	<p>Mitigation Measure 4.4-6: The applicant shall implement the following measures to avoid or minimize impacts to special-status birds, raptors, or other birds protected under the MBTA:</p> <ul style="list-style-type: none"> ▲ For construction activities occurring between February 1 and August 31, the applicant shall retain a qualified biologist to conduct surveys for special status nesting birds and raptors no less than 14 days before the start of ground disturbing activities. These surveys can be conducted concurrently with the Swainson’s hawk and burrowing owl surveys identified in Mitigation Measures 4.4-4a and 4.4-5a. If no nesting birds are found, no further study is required. 	<p>City of Davis</p>	<p>Within two weeks of initiation of construction</p>	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ▲ If nests are detected, the project biologist shall establish a minimum 500-foot no-disturbance buffer for raptors and a 100-foot no-disturbance buffer around all other nests until the nest is no longer active or the young have fledged. The size of the buffer may be adjusted by the project biologist if, in consultation with CDFW, it is determined that such as adjustment would not be likely to adversely affect the nest. 	City of Davis, in consultation with CDFW	During construction	
	<ul style="list-style-type: none"> ▲ Factors to be considered for determining buffer size shall include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers shall be maintained until a qualified biologist has determined that young have fledged and are no longer reliant upon the nest or parental care for survival. 	City of Davis, in consultation with CDFW	During construction	
	<ul style="list-style-type: none"> ▲ Should tricolored blackbird be relisted as a fully-protected species before construction activities associated with the project and tricolored blackbird are found during the preconstruction surveys, a 500-foot no disturbance buffer shall be established around the nesting colony unless otherwise approved by CDFW. The buffer will be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. 	City of Davis, in consultation with CDFW	During construction	
<p>Impact 4.4-7: Loss of riparian habitat and fill of waters of the U.S. during construction.</p>	<p>Mitigation Measure 4.4-7: The applicant shall implement the following measures to avoid, minimize, and mitigate Impacts on sensitive natural communities and compensate for loss of remnant riparian and wetland habitat:</p> <ul style="list-style-type: none"> ▲ As a first priority, the applicant will minimize wetland and/or riparian impacts through minimizing project footprint during project design and construction 	City of Davis	During project design and construction	
	<ul style="list-style-type: none"> ▲ Before any ground breaking activity along the remnant riparian area of the old north fork Putah Creek, the applicant shall retain a qualified wetland specialist who shall prepare a jurisdictional wetland delineation for both waters of the U.S. and waters of the State in sensitive areas that cannot be avoided. The preliminary delineation shall be submitted to USACE for verification. 	City of Davis, in consultation with the USACE	Prior to ground disturbance along the remnant riparian area of the old north fork Putah Creek	
	<ul style="list-style-type: none"> ▲ The creek and associated riparian areas may be subject to CDFW regulation under Section 1602 of the Fish and Game Code and shall be evaluated for CDFW jurisdiction and riparian extent. If determined to be subject to CDFW jurisdiction, CDFW shall be consulted and a Lake and Streambed Alteration Agreement notification shall be prepared. 	City of Davis, in consultation with CDFW	Prior to initiation of construction	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<ul style="list-style-type: none"> ▲ No grading, fill, or other ground disturbing activities shall occur in proximity to the Putah Creek channel until all required permits, regulatory approvals, and permit conditions for effects on wetland and riparian habitats are obtained. Any additional avoidance, minimization, and conservation measures shall be fulfilled before construction as stipulated by the permits. 	City of Davis	Prior to initiation of and during construction	
	<ul style="list-style-type: none"> ▲ For those wetlands and riparian areas that cannot be avoided, the applicant shall commit to replace, restore, or enhance on a “no net loss” basis (in accordance with the USACE permit) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded with project implementation. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, and the RWQCB (if applicable) as appropriate, depending on agency jurisdiction, and as determined during the permitting processes. Similarly all riparian vegetation shall be compensated for, as applicable, in accordance with an obtained CDFW 1602 Streambed Alteration Agreement. 	City of Davis, in consultation with USACE and the RWQCB, if applicable	During construction	
	<ul style="list-style-type: none"> ▲ The applicant or its contractor will provide environmental awareness training to all construction workers on-site, conducted by a qualified biologist that includes the following provisions: <ul style="list-style-type: none"> ▼ The location of the Putah Creek revegetation area and its designation as “environmentally sensitive area.” This area will be protected, and no entry by the Contractor or crews will occur unless specifically authorize as per the project plans. ▼ The area will be protected by installing orange construction barrier fence at the limits of the area needed to construction improvements along this area. If needed, the contractor will work with the project biologist to identify the location for the barrier fence. The fencing will be installed before construction activities are initiated and will be maintained throughout the construction period. 	City of Davis	Prior to initiation of and during construction	
4.5 Cultural Resources				
Impact 4.5-1: Disturb unique archaeological resources.	Mitigation Measures 4.5-1b: In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be	City of Davis	During construction	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>limited to preservation in place, archival research, subsurface testing, or contiguous block-unit excavation and data recovery.</p> <p>If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code §5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Public Resources Code §5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (Public Resources Code §5097.993), the archaeologist shall recommend to the applicant potentially feasible procedures that would preserve the integrity of the site or minimize impacts on it.</p>			
<p>Impact 4.5-2: Accidental discovery of human remains.</p>	<p>Mitigation Measure 4.5-2: California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.</p> <p>If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Yolo County coroner and the NAHC immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner’s and NAHC’s findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.</p>	<p>City of Davis, in consultation with Yolo County Coroner and NAHC</p>	<p>During construction</p>	
<p>4.7 Greenhouse Gas Emissions, Climate Change, and Energy</p>				
<p>Impact 4.7-2: Considerably contribute to climate change through project-generated greenhouse gas emissions during operation.</p>	<p>Mitigation Measure 4.7-2a: Each individual project or subdivision developed/constructed as a part of the Nishi Gateway Project shall demonstrate consistency with the D-CAAP by achieving a downward trajectory in GHG emissions, towards the City goal of zero net GHG emissions by the year 2050. The project must achieve the target in place for the year in which the application is filed.</p>	<p>City of Davis</p>	<p>At the time of or before building permits are issued</p>	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification																																
	<p>At the City’s discretion, compliance with this mitigation measure for different development activities associated with the same approval may occur at different stages in the development process depending on the nature of the project and may be based on the year that physical improvements are anticipated. GHG emissions associated with all activities must demonstrate consistency with this measure at the time of or before building permits are issued. Mitigation for buildings shall occur at the time the building permit is issued, and the amount of mitigation shall be based on the year the building permit is issued. Mitigation for other emissions from a project may occur at an earlier approval but no later than issuance of entitlements. The applicant may file and City may consider and approve a GHG mitigation plan that lays out the mitigation for different stages of development within the same subsequent project approval.</p> <ol style="list-style-type: none"> 1. Prior to issuance of any subsequent entitlement or permit, or alternatively prior to any approval taking effect, the applicant shall implement the following steps unless these steps have already been undertaken for the project through a prior approval or action: 2. Using CalEEMod or another model accepted for this purpose by the City, calculate total expected GHG emissions (all sectors) for the proposed project under two scenarios: a) 1990 emissions rates; and, b) emission rates applicable at the time of the application, taking into account applicable building standards and other adopted regulatory requirements, as well as building design, use of renewable energy, etc. Calculate the difference between these two scenarios in step 1 as a percentage of the 1990 project emissions. 3. Compare the difference in emissions from step 2 to the required minimum emissions reduction schedule provided below: <table border="1" data-bbox="506 984 1108 1472"> <thead> <tr> <th data-bbox="506 984 659 1011">Applications Filed</th> <th data-bbox="659 984 1108 1011">Minimum Required Reduction in GHG Emissions</th> </tr> <tr> <th data-bbox="506 1011 659 1039">On or Before</th> <th data-bbox="659 1011 1108 1039">From Calculated 1990 Emissions</th> </tr> </thead> <tbody> <tr><td data-bbox="506 1039 659 1066">12/31/16</td><td data-bbox="659 1039 1108 1066">22.5</td></tr> <tr><td data-bbox="506 1066 659 1094">12/31/17</td><td data-bbox="659 1066 1108 1094">25.0</td></tr> <tr><td data-bbox="506 1094 659 1122">12/31/18</td><td data-bbox="659 1094 1108 1122">27.5</td></tr> <tr><td data-bbox="506 1122 659 1149">12/31/19</td><td data-bbox="659 1122 1108 1149">30.0</td></tr> <tr><td data-bbox="506 1149 659 1177">12/31/20</td><td data-bbox="659 1149 1108 1177">32.5</td></tr> <tr><td data-bbox="506 1177 659 1205">12/31/21</td><td data-bbox="659 1177 1108 1205">35.0</td></tr> <tr><td data-bbox="506 1205 659 1232">12/31/22</td><td data-bbox="659 1205 1108 1232">37.5</td></tr> <tr><td data-bbox="506 1232 659 1260">12/31/23</td><td data-bbox="659 1232 1108 1260">40.0</td></tr> <tr><td data-bbox="506 1260 659 1287">12/31/24</td><td data-bbox="659 1260 1108 1287">42.5</td></tr> <tr><td data-bbox="506 1287 659 1315">12/31/25</td><td data-bbox="659 1287 1108 1315">45.0</td></tr> <tr><td data-bbox="506 1315 659 1343">12/31/26</td><td data-bbox="659 1315 1108 1343">47.5</td></tr> <tr><td data-bbox="506 1343 659 1370">12/31/27</td><td data-bbox="659 1343 1108 1370">50.0</td></tr> <tr><td data-bbox="506 1370 659 1398">12/31/28</td><td data-bbox="659 1370 1108 1398">52.5</td></tr> <tr><td data-bbox="506 1398 659 1425">12/31/29</td><td data-bbox="659 1398 1108 1425">55.0</td></tr> </tbody> </table>	Applications Filed	Minimum Required Reduction in GHG Emissions	On or Before	From Calculated 1990 Emissions	12/31/16	22.5	12/31/17	25.0	12/31/18	27.5	12/31/19	30.0	12/31/20	32.5	12/31/21	35.0	12/31/22	37.5	12/31/23	40.0	12/31/24	42.5	12/31/25	45.0	12/31/26	47.5	12/31/27	50.0	12/31/28	52.5	12/31/29	55.0			
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Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>12/31/30 57.5... (2.5% increased reduction per year) 12/31/35 70.0... (2.5% increased reduction per year) 12/31/40 82.5... (2.5% increased reduction per year) 12/31/45 95.0... (2.5% increased reduction per year) 12/31/50 100.0</p> <p>4. If the difference calculated in step 2 is greater than the required reduction in step 3, the development may “bank” this as a credit to use with later projects.</p> <p>5. If the difference calculated in step 2 does not demonstrate the required reduction in step 3, applicant shall identify feasible actions to achieve the required reductions using the following priority: First priority - building specific actions Second priority - on-site actions Third priority - community based (within Davis) actions Fourth priority - pay GHG reduction fees (carbon offsets) into a qualified existing local program, if one is in place Fifth priority - other demonstrated method of reducing emissions</p> <p>6. Calculate, using acceptable methods, the measurable GHG reduction value of each proposed action.</p> <p>7. Provide a Technical Memorandum of Compliance (TMC) documenting the following minimum items: modeling (step 1); emissions calculations (step 2); applicable reduction (step 3); chosen feasible actions to achieve required reduction (step 4); and measurable GHG reduction value of each action (step 5). The TMC and all steps of the process are subject to review and authorization by the City of Davis Department of Community Development and Sustainability.</p> <p>8. Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development and Sustainability. The City upon review and acceptance of implementation, shall issue the subject entitlement, permit, or approval.</p>			
	<p>Mitigation Measure 4.7-2b: Every 5 years, the development shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report. The report shall be submitted by 12/31 of each fifth year starting in 2020. First report due by 12/31/20, second report due by 12/31/25, etc., through 2050. 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.</p> <p>1. Projected annual GHG emissions for the development, total and by sector, from the project EIR</p>	<p>City of Davis</p>	<p>Once every 5 years beginning in 2020</p>	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	2. GHG emissions from all uses collectively operating at the development, total and by sector, at the time of reporting. 3. GHG emissions from each occupied building within the development, total and by sector. 4. Summary of prior TMCs and 5-year reports 5. Running total of development emissions reductions and reduction credits, in total and by building 6. Comprehensive data base and summary of implemented reduction actions			
4.8 Hazards and Hazardous Materials				
Impact 4.8-2: Result in the release of hazardous materials from a site of known or potential contamination.	<p>Mitigation Measure 4.8-2b: Prior to initiation of grading or other groundwork, the applicant shall provide a hazardous materials contingency plan to YCEHD. The plan will describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of underground storage tanks or buried building material.</p> <p>If at any time during the course of constructing the project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact YCEHD. Work shall not recommence until the discovery has been assessed/treated appropriately (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of YCEHD, RWQCB, and DTSC (as applicable). The plan, and obligations to abide by and implement the plan, shall be incorporated into the construction and contract specifications of the project.</p>	City of Davis in consultation with YCEHD, RWQCB, and DTSC, as appropriate	Prior to ground disturbance	
	<p>Mitigation Measure 4.8-2d: Minimize potential for accidental release of hazardous materials during demolition. Prior to demolition of existing structures within West Olive Drive, the project applicant shall complete the following:</p> <ul style="list-style-type: none"> ▲ Locate and dispose of potentially hazardous materials in compliance with all applicable federal, state, and local laws. This shall include: (1) identify locations that could contain hazardous residues; (2) remove plumbing fixtures known to contain, or potentially containing, hazardous materials; (3) determine the waste classification of the debris; (4) package contaminated items and wastes; and (5) identify disposal site(s) permitted to accept such wastes. ▲ Provide written documentation to the County that asbestos testing and abatement, as appropriate, has occurred in compliance with applicable federal, state, and local laws. 	City of Davis, in consultation with YCEHD, as appropriate	Prior to demolition of existing structures	

Table 4-2 Nishi Gateway Project Mitigation Monitoring and Reporting Program – West Olive Drive

Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification
	<p>Mitigation Measure 5.14-2: The applicant shall contribute appropriate fees for the implementation of travel route management strategies, including changeable message signs with route delay information and downtown parking capacity information, signal coordination and timing plans, and other roadway network management strategies, as appropriate, to efficiently manage the capacities of the various roadways serving as the primary travel corridors in Davis.</p>	<p>City of Davis, in cooperation with UC Davis</p>	<p>Prior to initiation of construction, no contribution is needed if the improvement has been implemented already or has been incorporated into the City's development fee program.</p>	

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Appendices

Exhibits

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Citations

- Green** = matched reference
- Aqua** = missing full reference
- Pink** = no citation in text

none

References