FINAL
ENVIRONMENTAL IMPACT REPORT

FOR THE

CANNERY PROJECT

SCH# 2012032022

SEPTEMBER 2013

Prepared for:

Katherine Hess, Community Development Administrator
City of Davis
Community Development and Sustainability Department
23 Russell Boulevard, Suite 2
Davis, CA 95616

Prepared by:

De Novo Planning Group
4630 Brand Way
Sacramento, CA 95819
www.denovoplanning.com
FINAL
ENVIRONMENTAL IMPACT REPORT

FOR THE
CANNERY PROJECT

SCH# 2012032022

SEPTEMBER 2013

Prepared for:

Katherine Hess, Community Development Administrator
City of Davis
Community Development and Sustainability Department
23 Russell Boulevard, Suite 2
Davis, CA 95616

Prepared by:

De Novo Planning Group
4630 Brand Way
Sacramento, CA 95819
www.denovoplanning.com
# Table of Contents

## Final EIR

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td>ES-1</td>
</tr>
<tr>
<td>1.0 Introduction</td>
<td>1.0-1</td>
</tr>
<tr>
<td>1.1 Purpose and Intended Uses of the EIR</td>
<td>1.0-1</td>
</tr>
<tr>
<td>1.2 Environmental Review Process</td>
<td>1.0-2</td>
</tr>
<tr>
<td>1.3 Organization of the Final EIR</td>
<td>1.0-3</td>
</tr>
<tr>
<td>2.0 Comments on Draft EIR and Responses</td>
<td>2.0-1</td>
</tr>
<tr>
<td>2.1 Introduction</td>
<td>2.0-1</td>
</tr>
<tr>
<td>2.2 List of Commenters</td>
<td>2.0-1</td>
</tr>
<tr>
<td>2.3 Comments and Responses</td>
<td>2.0-3</td>
</tr>
<tr>
<td>3.0 Errata</td>
<td>3.0-1</td>
</tr>
<tr>
<td>3.1 Revisions to the Draft EIR</td>
<td>3.0-1</td>
</tr>
<tr>
<td>4.0 Final Mitigation Monitoring and Reporting Program</td>
<td>4.0-1</td>
</tr>
<tr>
<td>4.1 Mitigation Monitoring and Reporting Program</td>
<td>4.0-1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tables</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 2-1: List of Commenters on Draft EIR</td>
<td>2.0-1</td>
</tr>
<tr>
<td>Table 4.0-1: Mitigation Monitoring and Reporting Program</td>
<td>4.0-2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Figures</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 2.0-1: Southwest EVA Access</td>
<td>2.0-9</td>
</tr>
</tbody>
</table>
This page left intentionally blank.
INTRODUCTION

The City of Davis (City) determined that a project-level environmental impact report (EIR) was required for the proposed Cannery project (project) pursuant to the requirements of the California Environmental Quality Act (CEQA).

A Project EIR is an EIR which examines the environmental impacts of a specific development project. This type of EIR focuses primarily on the changes in the environment that would result from the project. A Project EIR examines all phases of the project including planning, construction and operation. The Project EIR approach is appropriate for the Cannery project because it allows comprehensive consideration of the reasonably anticipated scope of the project, including development and operation of the project, as described in greater detail below.

PROJECT DESCRIPTION

The following provides a brief summary and overview of the proposed project. Section 2.0 of the Draft EIR includes a detailed description of the proposed project, including maps and graphics. The reader is referred to Section 2.0 of the Draft EIR for a more complete and thorough description of the components of the proposed project.

The project proposes a mix of land uses consisting of low, medium, and high density residential uses; a mixed-use business park component; drainage detention areas; open spaces including greenbelts, agricultural buffers, and an urban farm; parks; and a neighborhood center on approximately 100.1 acres of land located at 1111 East Covell Boulevard, within the incorporated boundary of the City of Davis. The project site, formerly the location of the Hunt-Wesson tomato cannery, is north of East Covell Boulevard and east of the Union Pacific Railroad line and the F Street drainage channel. The northern and eastern boundaries of the project site are coterminous with the Davis city limits.

The Project site is designated in the General Plan as Industrial. The Project includes a request for two General Plan Amendments.


2. General Plan Amendment to create a new General Plan Land Use category in the Davis General Plan for Neighborhood Mixed Use.

The Project site is currently zoned PD-1-00 (Planned Development-Light Industrial). The Project includes a requested rezone from PD-1-00 (Planned Development – Light Industrial) to PD-1-11 (Planned Development).
The residential component of the Project consists of 547 residential dwelling units plus an additional 40 accessory dwelling units, with an average density of 9.5 units per gross acre. The Project offers many sizes, types, densities and styles of housing including ownership and rental housing, detached and attached homes in low, medium and high densities ranging from three to thirty units per acre.

A 15.1-acre neighborhood mixed-use site is planned along The Cannery’s frontage with East Covell Boulevard. The neighborhood mixed-use site includes the 6.4-acre West Side and 8.7-acre East Side. Together, these sites could accommodate up to approximately 171,270 square feet of uses and employment opportunities for approximately 600 to 850 jobs.

The Project includes 27.7 acres of open space uses consisting of the open space/detention basin on the west edge, agricultural buffer on the north edge, agricultural buffer/urban farm on the east edge and greenbelts.

The Project includes 5.77 net acres of parks in two park sites: a 3.88 net acre Neighborhood Park (North Park) and 1.89 net acre Southwest Park (South Park).

Primary and secondary vehicular access to the Project will be from East Covell Boulevard. The Project proposes an improved intersection at J Street/Entry Road B and East Covell Boulevard. A secondary access point located west of the East Covell/J Street (Entry Road B) intersection at Entry Road A/East Covell Boulevard is proposed, which would not be signalized, and would allow only right-turn-in and right-turn-out movements. Loop C is the primary collector through the neighborhood from Entry Roads A and B.

Approximately 9.9 miles of on-site bicycle and pedestrian improvements are proposed in the Project including 2.8 miles of Class 1 paths and Class 2 lanes. Class 1 trails are located corridors and greenbelts adjacent to open space with no vehicular interruptions. Class 2 bikeways are designated bike lanes on arterial roadways and collector streets.

The Project proposes an off-site bicycle/pedestrian path connection to existing bicycle facilities south of the Project site. The preferred alignment would begin at Loop C and extend west of the City’s well site and cross under the eastern end of the East Covell Boulevard grade separation over the UPRR tracks. South of East Covell Boulevard, it would turn easterly and continue along the southern face of the overcrossing until it reaches the elevation of East Covell Boulevard where it would tie into the existing bike trail south of East Covell Boulevard (Figure 2-12 in the Draft EIR).

The Project proposes to construct a storm drainage detention basin and water quality facility on-site within the agricultural buffer on the northern edge of the site. The facility would have a capacity of approximately 42.7+ acre feet and feature a wet pond for water quality purposes. The detention facility is sized to attenuate peak flows back to pre-development conditions.

Water and sewer services for the Project would be provided by the City of Davis.
The Project includes the following off-site improvements:

- **East Covell Boulevard Improvements.** Reconstruction of the existing East Covell Boulevard/J Street (Entry Road B) intersection to improve turning movements, reconfigure vehicle lanes, upgrade signalization and make safety improvements.

- **Bicycle/Pedestrian Path Connection.** A bicycled/pedestrian path connection to link the Project to existing bicycle facilities south of the Project site. The Project considers a preferred alignment and two alternative alignments.

- **Drainage Improvements.** A drainage outfall would be constructed within the F Street Channel near the northwest corner of the site. Two monitoring gages will be installed in the F Street channel to coordinate flows.

Refer to Section 2.0, Project Description, in the Draft EIR for a more complete description of the details of the proposed project.

**ALTERNATIVES TO THE PROPOSED PROJECT**

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed Cannery project.

- No Project (No Build) Alternative
- Buildout under Existing General Plan Alternative
- Alternative Locations Alternative
- Site Reconfiguration Alternative

These alternatives are described in detail in Section 5.0, Alternatives to the Proposed Project, in the Draft EIR.

The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Site Reconfiguration Alternative is the next environmentally superior alternative to the proposed project. It is noted that the Site Reconfiguration Alternative would not meet all of the project objectives identified by the City, in that it would not provide for a wide range of housing types, including low density housing, to support the City’s goal of providing an inclusive multigenerational approach to residential development.
COMMENTS RECEIVED

The Draft EIR addressed environmental impacts associated with the proposed project that are known to the City, were raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. The Draft EIR discussed potentially significant impacts associated with aesthetics, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gases and climate change, hazards, hydrology and water quality, land use, noise, population and housing, public services, transportation/circulation, and utilities.

During the NOP process, several comments were received related to the analysis that should be included in the Draft EIR. These comments are included as Appendix A of the Draft EIR, and were considered during preparation of the Draft EIR.

The City of Davis received several comment letters regarding the Draft EIR from public agencies and private citizens. These comment letters on the Draft EIR are identified in Table 2-1 of this Final EIR.

The comments received during the Draft EIR, Recirculated Draft EIR review processes are addressed within this Final EIR.
This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Davis (Davis, or City) is the lead agency for the environmental review of the Cannery Project (project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval of the project and associated impacts from subsequent development and operation of the project, as well as responds to comments received on the Draft EIR (DEIR).

1.1 PURPOSE AND INTENDED USES OF THE EIR

CEQA REQUIREMENTS FOR A FINAL EIR

This Final Environmental Impact Report (FEIR) for the Cannery project has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Davis, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval, construction, and operation of the proposed Cannery project. Responsible and trustee agencies that may use the EIR are identified in Sections 1.0 and 2.0 of the Draft EIR.

The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the
1.0 **INTRODUCTION**

project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all aspects of construction and operation of the proposed project. The details and operational characteristics of the proposed project are identified in Chapter 2.0, Project Description, of the Draft EIR (February 2013).

1.2 **ENVIRONMENTAL REVIEW PROCESS**

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

**NOTICE OF PREPARATION**

The City circulated a Notice of Preparation (NOP) of an EIR for the proposed project on March 9, 2012 to trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on March 27, 2012 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in Appendix A of the Draft EIR.

**NOTICE OF AVAILABILITY AND DRAFT EIR**

The City of Davis published a public Notice of Availability (NOA) for the Draft EIR on February 25, 2013 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2012032022) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from February 25, 2013 through April 12, 2013. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

**RESPONSE TO COMMENTS/FINAL EIR**

The City of Davis received several comment letters regarding the Draft EIR from public agencies and private citizens. These comment letters on the Draft EIR are identified in Table 2-1, and are found in Section 2.0 of this Final EIR.
In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR, as required by CEQA. This Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document, as well as the Draft EIR as amended herein, constitute the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The City of Davis will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete," the Davis City Council may certify the Final EIR in accordance with CEQA and City of Davis environmental review procedures and codes. The rule of adequacy generally holds that an EIR can be certified if:

1) The EIR shows a good faith effort at full disclosure of environmental information; and

2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project which intelligently take account of environmental consequences.

Upon review and consideration of the Final EIR, the Davis City Council may take action to approve, revise, or reject the project. A decision to approve the Cannery project, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program has been designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

SECTION 1.0 – INTRODUCTION

Section 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

SECTION 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

Section 2.0 provides a list of commenters, copies of written comments made on the Draft EIR (coded for reference), and responses to those written comments.
CHAPTER 3.0 - ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments received on the Draft EIR, as well as minor staff edits.

CHAPTER 4.0 – FINAL MMRP

Chapter 4.0 consists of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP is presented in a tabular format that presents the impacts, mitigation measure, and responsibility, timing, and verification of monitoring.
2.0 Comments on Draft EIR and Responses

2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the Cannery Project, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.

Sections 2.0 and 3.0 of this Final EIR include information that has been added to the EIR since the close of the public review period in the form of responses to comments and errata.

2.2 LIST OF COMMENTERS

Table 2-1 lists the comments on the Draft EIR that were submitted to the City of Davis during the 45-day public review period for the Draft EIR. The assigned comment letter or number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. Letters received from public agencies are coded with letters (A, B, C, etc.), while letters received from private organizations or members of the public are coded with numbers (1, 2, 3, etc.).

<table>
<thead>
<tr>
<th>RESPONSE LETTER/NUMBER</th>
<th>INDIVIDUAL OR SIGNATORY</th>
<th>AFFILIATION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Jeff Pulverman</td>
<td>California Department of Transportation (Caltrans)</td>
<td>4-12-2013</td>
</tr>
<tr>
<td>B</td>
<td>Todd Riddiough</td>
<td>Yolo County Planning and Public Works</td>
<td>4-12-2013</td>
</tr>
<tr>
<td>C</td>
<td>Janice Phillips</td>
<td>Yolo County Transportation District</td>
<td>4-12-2013</td>
</tr>
<tr>
<td>D</td>
<td>Matthew Jones</td>
<td>Yolo-Solana Air Quality Management District</td>
<td>4-3-2013</td>
</tr>
<tr>
<td>E</td>
<td>Ananya Choudhuri</td>
<td>Davis Planning Commission</td>
<td>3-27-2013 and 4-12-2013</td>
</tr>
<tr>
<td>F</td>
<td>Herman Boschken</td>
<td>Davis Planning Commission</td>
<td>3-20-2013</td>
</tr>
<tr>
<td>G</td>
<td>Mark Braly</td>
<td>Davis Planning Commission</td>
<td>3-27-2013</td>
</tr>
<tr>
<td>H</td>
<td></td>
<td>Davis Planning Commission Comments</td>
<td>3-27-2013</td>
</tr>
<tr>
<td>I</td>
<td></td>
<td>Open Space and Habitat Commission</td>
<td>4-1-2013</td>
</tr>
<tr>
<td>I</td>
<td>Austin Kerr</td>
<td>Resident of Davis, California</td>
<td>4-12-2013</td>
</tr>
</tbody>
</table>
## 2.0 Comments on Draft EIR and Responses

<table>
<thead>
<tr>
<th>Response Letter/Number</th>
<th>Individual or Signatory</th>
<th>Affiliation</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Barbara Bacon</td>
<td>Resident of Davis, California</td>
<td>3-11-2013</td>
</tr>
<tr>
<td>3</td>
<td>Barbara Forbes</td>
<td>Resident of Davis, California</td>
<td>4-4-2013</td>
</tr>
<tr>
<td>4</td>
<td>Barry McClure</td>
<td>Resident of Davis, California</td>
<td>4-13-2013</td>
</tr>
<tr>
<td>5</td>
<td>Bill Streng</td>
<td>DNI Inc</td>
<td>3-20-2013</td>
</tr>
<tr>
<td>6</td>
<td>BJ Klosterman</td>
<td>Resident of Davis, California</td>
<td>4-12-2013</td>
</tr>
<tr>
<td>7</td>
<td>Boris and Susan Ruebner</td>
<td>Residents of Davis, California</td>
<td>3-7-2013</td>
</tr>
<tr>
<td>8</td>
<td>Carol Boyer</td>
<td>Resident of Davis, California</td>
<td>3-4-2013</td>
</tr>
<tr>
<td>9</td>
<td>David Shelledy</td>
<td>Resident of Davis, California</td>
<td>3-27-2013</td>
</tr>
<tr>
<td>10</td>
<td>Duane and Dorothy Thomson</td>
<td>Residents of Davis, California</td>
<td>4-3-2013</td>
</tr>
<tr>
<td>11</td>
<td>Francesca Wright</td>
<td>Resident of Davis, California</td>
<td>3-1-2013</td>
</tr>
<tr>
<td>12</td>
<td>Gene Wilson</td>
<td>Resident of Davis, California</td>
<td>3-25-2013</td>
</tr>
<tr>
<td>13</td>
<td>Humberto Lopez</td>
<td>Resident of Davis, California</td>
<td>3-7-2013</td>
</tr>
<tr>
<td>14</td>
<td>Jeff Sherman</td>
<td>Resident of Davis, California</td>
<td>3-1-2013</td>
</tr>
<tr>
<td>15</td>
<td>Joe Fleskes</td>
<td>Resident of Davis, California</td>
<td>3-2-2013</td>
</tr>
<tr>
<td>16</td>
<td>John Whitehead</td>
<td>Resident of Davis, California</td>
<td>4-1-2013</td>
</tr>
<tr>
<td>17</td>
<td>Katherine Higgins</td>
<td>Resident of Davis, California</td>
<td>3-8-2013</td>
</tr>
<tr>
<td>18</td>
<td>Kathy Lorenzato</td>
<td>Resident of Davis, California</td>
<td>3-11-2013</td>
</tr>
<tr>
<td>19</td>
<td>Keith Redenbaugh</td>
<td>Resident of Davis, California</td>
<td>3-7-2013</td>
</tr>
<tr>
<td>20</td>
<td>Kim Beck</td>
<td>Resident of Davis, California</td>
<td>3-1-2013</td>
</tr>
<tr>
<td>21</td>
<td>Lee Bartholomew</td>
<td>Bartholomew Associates, Inc</td>
<td>3-8-2013</td>
</tr>
<tr>
<td>22</td>
<td>Liz Reay</td>
<td>Resident of Davis, California</td>
<td>3-13-2013</td>
</tr>
<tr>
<td>23</td>
<td>Morley and Lorell Hardaker</td>
<td>Residents of Davis, California</td>
<td>3-3-2013</td>
</tr>
<tr>
<td>24</td>
<td>Lydia Delis-Schlosser</td>
<td>Resident of Davis, California</td>
<td>3-26-2013</td>
</tr>
<tr>
<td>25</td>
<td>Lyn Hooper</td>
<td>Resident of Davis, California</td>
<td>3-18-2013</td>
</tr>
</tbody>
</table>
## 2.0 Comments on Draft EIR and Responses

<table>
<thead>
<tr>
<th>Response Letter/Number</th>
<th>Individual or Signatory</th>
<th>Affiliation</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Mark Williamson</td>
<td>Resident of Davis, California</td>
<td>3-7-2013</td>
</tr>
<tr>
<td>27</td>
<td>Mary Ann and Victor Jung</td>
<td>Residents of Davis, California</td>
<td>4-3-2013</td>
</tr>
<tr>
<td>28</td>
<td>Mary French</td>
<td>Resident of Davis, California</td>
<td>2-27-2013</td>
</tr>
<tr>
<td>29</td>
<td>Mary Jo Bryan</td>
<td>Resident of Davis, California</td>
<td>4-15-2013</td>
</tr>
<tr>
<td>30</td>
<td>Matt Kirk</td>
<td>Resident of Davis, California</td>
<td>3-8-2013</td>
</tr>
<tr>
<td>31</td>
<td>Matthew Weil</td>
<td>Resident of Davis, California</td>
<td>4-11-2013</td>
</tr>
<tr>
<td>32</td>
<td>Michael and Janet Morris</td>
<td>Residents of Davis, California</td>
<td>3-27-2013</td>
</tr>
<tr>
<td>33</td>
<td>Michael Hart</td>
<td>Resident of Davis, California</td>
<td>3-18-2013</td>
</tr>
<tr>
<td>34</td>
<td>Meg Conant</td>
<td>Resident of Davis, California</td>
<td>3-14-2013</td>
</tr>
<tr>
<td>35</td>
<td>Mikos Fabersunne</td>
<td>Resident of Davis, California</td>
<td>3-29-2013</td>
</tr>
<tr>
<td>36</td>
<td>Nicholas Green</td>
<td>Citizens Advocating Rational Development</td>
<td>4-10-2013</td>
</tr>
<tr>
<td>37</td>
<td>Niki and Kelly Crucillo</td>
<td>Resident of Davis, California</td>
<td>4-7-2013</td>
</tr>
<tr>
<td>38</td>
<td>Pam Nieberg</td>
<td>Resident of Davis, California</td>
<td>4-4-2013</td>
</tr>
<tr>
<td>39</td>
<td>Alan Pryor and</td>
<td>Resident of Davis, California</td>
<td>3-27-2013</td>
</tr>
<tr>
<td>39A</td>
<td>Matt Williams</td>
<td>Resident of El Macero, California</td>
<td>3-27-2013</td>
</tr>
<tr>
<td>40</td>
<td>Rita Bunch</td>
<td>Resident of Davis, California</td>
<td>4-12-2013</td>
</tr>
<tr>
<td>41</td>
<td>Sara Russell</td>
<td>Resident of Davis, California</td>
<td>4-10-2013</td>
</tr>
<tr>
<td>42</td>
<td>Whitman Manley</td>
<td>Remy-Moose-Manley</td>
<td>4-12-2013</td>
</tr>
</tbody>
</table>

## 2.3 Comments and Responses

### Requirements for Responding to Comments on a Draft EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information...
2.0 Comments on Draft EIR and Responses

requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Cannery Project Draft EIR.

MASTER RESPONSES

This section contains master responses to address four common categories of comments submitted on the Draft Environmental Impact Report (EIR) in order to provide responses to those comments in a comprehensive, easily-located discussion that clarifies and elaborates upon the analyses in the Draft EIR.

The Master Responses presented below address the following topics:

- Master Response 1: Noise and safety issues associated with the proposed at-grade emergency vehicle access (EVA) railroad crossing on the western edge of the project site, crossing the UPRR tracks and the F Street Channel, connecting to F Street to the west of the project site.

- Master Response 2: Safety issues associated with off-site bicycle facilities and the existing off-site bicycle network in the vicinity of the project site.

- Master Response 3: Estimates of bicycle mode split, given the proposed bicycle access points to the project site.

- Master Response 4: Adequacy of Greenhouse gas (GHG) calculations and mitigation measures.

MASTER RESPONSE 1: EMERGENCY VEHICLE ACCESS

Numerous comments on the Draft EIR have expressed concern regarding the project’s proposed emergency vehicle access (EVA), identified and evaluated as an at-grade crossing in the northwest quadrant of the project site, across the Union Pacific railroad tracks and F Street drainage channel, opposite the Faro Avenue/F Street intersection (Northwest EVA). Most of the comments raised focus on the potential for significant noise impacts associated with train horns sounding at this location, and to a lesser degree, potential safety impacts. Many comments expressed a preference that an EVA to serve the project site be implemented at an alternative location to the Northwest EVA.

As described under Impact 3.11-4, the Draft EIR concluded that the proposed Northwest EVA would result in a significant impact from transportation noise at sensitive receptors, because individual warning horn noise soundings would result in clear and substantial temporary increases in ambient noise levels, which has the potential to cause adverse public reaction, particularly during nighttime
2.0 Comments on Draft EIR and Responses

hours. Although the Draft EIR included two mitigation measures (MM 3.11-1 and 3.11-2) to minimize impacts to sensitive receptors through site design and building orientation, and the establishment of a Quiet Zone with the Federal Railroad Administration (FRA) for the proposed Northwest EVA, which would bring the project into consistency with the City’s noise ordinance, it ultimately concluded the impact would be significant and unavoidable because the City cannot guarantee the approval of a Quiet Zone by the FRA.

Since the release of the Draft EIR, the project applicant has continued coordination with the City’s Fire and Police staff on alternative solutions for emergency/evacuation access to reduce or minimize the noise impacts from trains that would need to sound warning horns as they approach the proposed EVA crossing. Based on these discussions, an alternative location for a project EVA has been identified in the southeast corner of the site (referred to as the Southeast EVA). A non-Covell Boulevard access would be optimal, but the originally-proposed EVA would cause significant noise impacts and any EVA access to the north or east would require crossing agricultural land in separate private ownership and could adversely impact agricultural uses of the property.

This proposed Southeast EVA would eliminate the Northwest EVA proposed and analyzed in the Draft EIR, and would satisfy the provision of an additional emergency/evacuation access point into the project site (in addition to the two primary vehicular accesses on E. Covell Boulevard). This proposed EVA would maintain adequate separation distance between access points along E. Covell Boulevard, as an emergency situation or temporary traffic congestion at either permanent project roadway entry would not impact access through the Southeast EVA. This proposed Southeast EVA Option would satisfy the provision of an additional emergency/evacuation access point into the project site (in addition to the two primary vehicular accesses on E. Covell Boulevard). The project maintains a high level of internal connectivity that will facilitate vehicle or pedestrian access to the Southwest EVA if needed. Public Safety staff have confirmed that this proposed EVA would provide increased distance between access points along E. Covell Boulevard, as an emergency situation or temporary traffic congestion at either permanent project roadway entry would not impact access through the Southeast EVA.

The Southeast EVA would provide access for emergency vehicles off of E. Covell Boulevard by utilizing the existing driveway on the east side of the proposed urban farm. The EVA would include a gate setback from E. Covell Boulevard to allow for emergency vehicles to pull completely out of the travel-way on E. Covell Boulevard. The applicant will work with City Fire and Public Works in the design of the intersection at the EVA driveway and E. Covell Boulevard to further limit access to right-in/right out movements, and to accommodate turning movements necessary for emergency vehicles. The EVA is shown on Figure 2.0-1.

For emergency responders, the gate would be accessed by cutting the lock. The EVA would be constructed as part of first phase of the proposed project and would provide adequate emergency access for the site.

The proposed Southeast EVA is not a “project alternative” that was required to be described in the Draft EIR. In Big Rock Mesa Property Owners Ass’n v. County of Los Angeles (1977) 73 Cal.App.3d 218, the court held that a project EIR was not required to analyze less intensive alternatives to an access road proposed as part of the project, instead concluding that CEQA requirements for alternatives analysis
required evaluation of alternatives to the project in its entirety, not to various facets of a project such as grading or access roads. Moreover, the Southeast EVA will not trigger any new significant environmental impacts not disclosed by the Draft EIR, or increase the severity of previously identified impacts. The Southeast EVA will utilize the alignment and location of an existing vehicle access to East Covell Boulevard, historically used by vehicles serving the former Con-Agra cannery facility. There are no natural resources affected by proposed EVA improvements at this location, and one cedar tree would be impacted. The Southwest EVA will not be used as a regular vehicular access point to the project site, and this will not have any operational impacts associated with traffic and circulation, noise, or air quality. Impacts in these regards would be similar to the Northwest EVA, with the exception of noise, which would be significantly reduced by the Southwest EVA since this EVA would not result in a new at-grade rail crossing, which could lead to increases in train horn noise. The Southeast EVA will require less construction activity and fewer improvements, and thus construction activities associated with the Southeast EVA will be equal to or less than anticipated under the Northwest EVA. The site of the Southeast EVA is previously disturbed, and like the remainder of the project site, is not the site of any known cultural resources. Mitigation Measures that govern the discovery of cultural resources during construction will apply equally to the construction of the Southeast EVA. The site is basically flat, and the Southwest EVA will therefore not result in any significant issues with respect to grading, soils, water quality or drainage or site aesthetics. All BMPs and other mitigation measures identified in the Draft EIR would be applicable.

Disclosure and consideration of the Southeast EVA will not trigger the need to recirculate the Draft EIR. See CEQA Guidelines §15088.5. CEQA court decisions confirm that the standard for recirculation is stringent, and recirculation is not required when any arguably significant information is added to an EIR. (Laurel Heights Improvement Ass’n v. Regents of the University of Cal. (1993) 6 Cal.4th at 1129. Instead, recirculation is only required when the addition of new information to a Draft EIR deprives the public of a meaningful opportunity to comment upon substantial adverse impacts or feasible mitigation measures or alternatives that are not adopted. CEQA Guidelines §15088.5(a); Laurel Heights, 6 Cal.4th at 1129.

If adopted by the City, the Southeast EVA would eliminate a potential significant and unavoidable impact associated with the project as proposed and analyzed in the Draft EIR, i.e. potential noise impacts at sensitive receptors as a result of train horns at the proposed at-grade Northwest EVA crossing. As such, if the Southeast EVA is adopted and implemented, there would be no impact under Impact 3.11-4 (Transportation Noise at Sensitive Receptors) as a result of the location of the EVA. The two mitigation measures that were identified in the Draft EIR as being required under the Northwest EVA (MM 3.11-1 and 3.11-2), would not be required under the Southeast EVA.

A substantial number of public comments on the Draft EIR were related to impacts associated with the Northwest EVA that was included in the project description in the Draft EIR. These comments related primarily to noise increases that would result from the Northwest EVA, as well as safety and aesthetic impacts. As described above, the Northwest EVA has been completely eliminated and is no longer a component of the proposed project. As a result, there is no longer a need for this Final EIR to include detailed responses to the various issues that were raised in relation to the Northwest EVA. All of the public comments received on the Draft EIR with respect to the Northwest EVA have been included in this Final EIR, and commenters are referred to this Master Response for a full explanation and
2.0 Comments on Draft EIR and Responses

description of the newly proposed Southwest EVA. All of the potential impacts associated with the Northwest EVA have been eliminated.
This page left intentionally blank.
2.0 Comments on Draft EIR and Responses

MASTER RESPONSE 2: BICYCLE SAFETY

Several commenters expressed concern about safety for pedestrians and bicyclists while traveling to or from the project. Locations of specific concern included the intersection of Covell Boulevard and J Street; the proposed bicycle connection under Covell Boulevard to bicycle facilities to the south; and the H Street Tunnel under the railroad tracks.

The project is anticipated to generate 963 external bike/walk trips per day, including 74 am peak hour trips and 75 pm peak hour trips (DEIR Table 3.14-5). These trips would be distributed among the on- and off-street facilities depending on destination and cyclist/pedestrian comfort. Cyclists make choices in routes based on comfort, speed, weather, and perceptions of safety (among other considerations).

The Draft EIR analyzed three off-site pedestrian and bicycle path connections, including the “proposed alignment” under the East Covell Boulevard bridge and east of the UPRR tracks to connect with the H Street bicycle tunnel; “Option 1” under the East Covell Boulevard bridge and east of the UPRR tracks turning easterly and continuing along the southern face of the Covell overcrossing to tie into the existing bike trail on the south side of East Covell Boulevard; and “Option 2” across the F Street Channel approximately 1,100 feet north of East Covell Boulevard to connect with the F Street multi-use trail. As provided in Section 3.0 of this Final EIR, the project description has been revised such that the preferred alignment for the off-site bicycle/pedestrian path connection is Option 1 described above (i.e., connection south of the project site to the pathway on the south side of East Covell Boulevard).

The perception of unsafe conditions is one of the most common and significant barriers to increasing bicycling trips. It is also the hardest to identify and quantify. A facility may be safe by all accepted engineering standards and design, but may still present bicyclists, particularly the less confident or “on-the-fence” casual commuter, with a reason to choose a less direct and longer route, or to choose an alternate mode of travel.

The H Street Tunnel was designed and built in 1969. It connects J Street, Drexel Drive, and Holmes Junior High School with F Street, North Davis Elementary School, Davis Senior High School, and Community Park. May 2013 counts conducted by the City of Davis found 279 bicycle trips through the tunnel during the 7:15 am peak hour and 184 trips during the 3:15 pm peak hour. These counts include trips in both directions of travel.

While the H Street Tunnel eliminates the significant barrier of the UPRR tracks, its design is less than ideal by modern design standards and therefore presents a barrier all the same because of awkward sight distances, low ceiling height, and narrow width. The H Street Tunnel improvements to sight lines, drainage, and debris issue was identified as one of the seven projects in the 2009 Bicycle Plan to improve direct routes N-S and E-W through town. In August 2011 the City of Davis submitted an application to SACOG for the “Drexel Bicycle Boulevard and H Street Tunnel Improvements” project under the 2012 Bicycle & Pedestrian Funding Program. The Drexel project was approved by SACOG and will be constructed summer-fall 2013. The improvements to the H Street Tunnel were not approved as part of that funding round. The City is continuing to pursue grant or local funding for improvements to the tunnel.
2.0 Comments on Draft EIR and Responses

It is also worth noting that the City of Davis has initiated the East Covell Corridor Plan, which is evaluating all travel modes on East Covell Boulevard between F Street and Birch Lane. As part of this effort, bicycle facilities such as the F Street multi-use trail (north of East Covell Boulevard) and the H Street Bicycle Tunnel will be evaluated. These evaluations will be guided by Appendix III of the 2009 Comprehensive Bicycle Plan¹, which consists of engineering standards and guidelines. Appendix III discusses various items such as design speed, grade, grade-separated facilities, lighting, and intersection considerations.

The City of Davis General Plan contains a number of policies aimed at improving bicycle facilities and reducing automobile use. An EIR’s purpose is to evaluate the potential environment impacts of the project and to identify feasible mitigation measures. Although the CEQA Guidelines offer example thresholds associated with “substantially increasing hazards due to a design feature”, thresholds for what constitutes a “substantial increase” are not provided by the guidelines and have not been used in the past by the City as applied to bicycle facilities. For these reasons, a quantitative investigation of existing bicycle facilities that are perceived by some commenters as being over-crowded or having non-standard designs was not prepared.

The primary problem with the H Street Tunnel is an issue of design, not capacity. The City continues to encourage use of the facility, and supports active transportation programs, including Safe Routes to School efforts and the Drexel Bike Boulevard improvements project, that would lead to additional cyclists throughout Davis, including cyclists using the tunnel. At the same time, the City recognizes the existing sub-optimal conditions in the H Street Tunnel and is seeking funds to improve the facility.

The Cannery Project will include an extensive system of on- and off-street bicycle connections, including enhancements at the intersection of Covell Boulevard and J Street. The preferred alternative for off-site bike connections for the Project is an enhanced crossing under Covell Boulevard east of the railroad tracks, with a connection to the east/west trail south of Covell Boulevard. The off-street bike connection is part of the project description. Pedestrians and cyclists leaving the project site will be linked to the trail parallel to Covell Boulevard, rather than be directly connected to the H Street tunnel. This will disperse bicycle trips throughout the area, depending on destinations and the comfort of the cyclist, and not add to perceived congestion. Access to the project site will be provided through on-street bicycle lanes along Covell and J Streets, the off-street multi-use trail on the south side of Covell Boulevard, and even sidewalks for some (usually young or inexperienced) riders. All on- and off-site bicycle facilities constructed for the project will meet City of Davis specifications for width, grade, and lighting.

The City acknowledges the existing conditions of the H Street Tunnel are not ideal, but the tunnel is not “unsafe.” No changes to the Draft EIR are required. The City will continue to pursue improvements to Covell Boulevard and to the H Street Tunnel. The City's current Capital Improvements Plan and Impact Fee Plan includes bicycle facilities such as crossings over and under Interstate 80 (now completed) and future crossings of SR113, Pole Line Road, and the UP railroad tracks. As future bicycle improvement projects are added to the CIP and fee plan, residential and non-residential construction within the project will be required to make its fair-share contribution.

¹ http://bicycles.cityofdavis.org/city-of-davis-bicycle-plan
2.0 Comments on Draft EIR and Responses

**Master Response 3: Bicycle Mode Split Overestimated**

Several commenters expressed a desire to see additional bicycle access points provided to the project site. Commenters also suggested that the bicycle travel mode split used in the EIR traffic analysis may have overestimated the level of bicycle ridership that may result from project implementation. Page 3.14-9 of the Draft EIR describes the methodology that was used to estimate the proportion of project trips that travel externally to/from the project site by bicycle. As shown in Table 3.14-5 of the Draft EIR, walk and bike trips are expected to comprise eight percent of all external trips. The footnotes in the table describe the analysis methods and data sources (e.g., 2010 Census data regarding North Davis mode split and SACOG’s SACSIM travel demand model) used to develop these estimates. According to the 2010 Census, the census blocks bounded by Covell Boulevard, F Street, Anderson Road, and the North City limits had an approximate 15 percent bicycle mode split for commute trips. In most areas, the percentage of non-commute bicycle and walk trips is greater than the percentage of bicycle and walk commute trips, as commute trips tend to be longer and less bikeable or walkable than shopping or school-related trips. Given the number of destinations such as shopping, schools, library, and recreational uses within ¼-mile of the site, it is expected that bicycles will also be frequently used for these other trip types.

As described on page 2.0-17 and shown on Figure 2-10 of the Draft EIR, the project proposes a grade-separated multi-use connection to existing bicycle facilities. The Draft EIR analyzed three off-site pedestrian and bicycle path connections, including the “proposed alignment” under the East Covell Boulevard bridge and east of the UPRR tracks to connect with the H Street bicycle tunnel; “Option 1” under the East Covell Boulevard bridge and east of the UPRR tracks turning easterly and continuing along the southern face of the overcrossing to tie into the existing bike trail south of East Covell Boulevard; and “Option 2” across the F Street Channel approximately 1,100 feet north of East Covell Boulevard to connect with the F Street multi-use trail. As provided in Section 3.0 of this Final EIR, the project description has been revised such that the preferred alignment for the off-site bicycle/pedestrian path connection is Option 1 described above (i.e., connection south of the project site to the south side of East Covell Boulevard). These improvements, combined with existing bicycle facilities along Covell Boulevard and J Street provide a series of dedicated facilities to accommodate bicycle travel. The existing and planned bicycle facilities are comparable in quality to bicycle facilities in other Davis neighborhoods achieving a bicycle mode split that exceeds eight percent. Therefore, it is reasonable to assume that the existing and proposed bicycle facilities will achieve the estimated bicycle mode split used in the traffic analysis.

Because the methodology for estimating bicycle travel modes is based upon existing data and standard models, the Draft EIR’s traffic analysis has accurately characterized the vehicle trips and vehicle traffic impacts associated with development and implementation of the proposed project to the best extent possible.

While many commenters have suggested that the proposed project should include additional bicycle access points to the bicycle network surrounding the project site, the connections currently proposed by the project form the basis of the analysis and are expected to achieve the estimated bicycle mode split used in the traffic analysis based on existing mode splits in Davis and site proximity to on- and off-street
bicycle facilities. The traffic analysis contained in the Draft EIR is accurate and valid with respect to bicycle trips and mode splits, and none of the comments present substantial evidence supporting a different mode of analysis or conclusion. The request for additional bicycle connection points to the project site is a matter of project design and community preference, but does not change the results of the Draft EIR’s traffic analysis and conclusions. All of the comments related to requests for additional bicycle connectivity have been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

**Master Response 4: Greenhouse Gases**

Several comments received on the Draft EIR were related to the greenhouse gas (GHG) analysis contained in the EIR. The following master response provides a summary of the comprehensive approach taken to address potential GHG impacts associated with the proposed project.

The project has the potential to generate GHGs associated with two primary sources: mobile sources from vehicle trips generated by the project, and stationary sources associated with energy consumption by the proposed project.

**Mobile Source GHG Emissions**

With respect to the analysis of mobile source GHG emissions, as provided by Senate Bill (SB) 375, and Public Resources Code Section 21159.28, an EIR prepared for residential and residential mixed-use projects that are consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the Sustainable Communities Strategy (SCS) is not required to reference, describe, or discuss (1) growth-inducing impacts; or (2) project specific or cumulative impacts from cars and light-duty truck trips on global climate change or the regional transportation network if the project incorporates the mitigation measures required by an applicable prior environmental document. In this case, the applicable prior environmental document is the SACOG MTP/SCS EIR, which was certified on April 19, 2012. Table 3.7-9 in the Draft EIR provides a matrix showing how the proposed project has incorporated the mitigation measures required by the SACOG MTP/SCS EIR.

SB 375 focuses on aligning transportation, housing, and other land uses to, among other things, achieve greenhouse gas emissions reduction targets established by the California Air Resources Board (ARB). SB 375 requires each region of the state to develop an SCS as part of the MTP, which identifies policies and strategies to reduce per capita GHG emissions from passenger vehicles. The SCS is intended to encourage an integrated approach to land use and transportation planning that not only reduces vehicle travel, but accommodates an adequate supply of housing, reduces impacts on valuable habitat and productive farmland, increases resource use efficiency, and promotes a prosperous regional economy. The SACOG MTP/SCS meets the ARB SB 375 passenger vehicle greenhouse gas targets, which include a 10 percent per capita reduction by 2020 and a 16 percent per capita reduction by 2035.

As described in greater detail on Page 3.7-18 of the Draft EIR, on April 19, 2012, the Sacramento Area Council of Governments (SACOG) adopted its Sustainable Communities Strategy, as required by SB 375, as part of the concurrent update of the Metropolitan Transportation Plan (MTP). As described in greater
2.0 Comments on Draft EIR and Responses

detail under Impact 3.7-2 in the Draft EIR, the proposed project is consistent with SACOG’s SCS, and as such, the project is exempt under state law from the need to include an analysis of GHG impacts from cars and light-duty trucks.

Stationary Source GHG Emissions

The Davis Climate Action and Adaption Plan (D-CAAP), is designed to place the community on a path to achieve the greenhouse gas emission reduction targets adopted by the City Council in November 2008. The targets were based on a range that uses the State of California targets as a minimum goal and deeper reductions as the desired outcome.

Residential GHG Emissions Analysis

With respect to stationary GHG emissions associated with residential energy consumption, in 2009 the City of Davis adopted a resolution establishing greenhouse gas emission thresholds, standards, and mitigation guidelines for new residential development projects. These thresholds and standards are used by the City to determine a project’s GHG emissions impacts, and for negotiating development agreements.

The standards are designed to achieve critical long-term GHG reductions while maintaining the economic viability of new residential development. The general objective is to offer clear standards based on the best available information and allow flexibility in how those standards are met. To this end, the framework establishes multiple paths for meeting the overall requirements and includes suggested mitigation measures to help guide the development community’s challenging work of achieving meaningful GHG reductions. The general rationale behind the standards is that housing built today will be here beyond 2050; the target year for when society will need to be effectively carbon neutral to minimize the effects of global warming.

The standards for new residential development vary by the number of units in the project. Projects with more than 26 units are required to reduce GHG emissions to 1990 levels, as shown in Table 3.7-2 of the Draft EIR. As described under Impact 3.7-1 (which includes minor revisions as shown in Section 3.0 of this Final EIR), and as required by Mitigation Measure 3.7-1, prior to the issuance of building permits, the project applicant must finalize the residential GHG emissions reduction plan and submit the plan to the Department of Community Development and Sustainability for review and approval. The residential GHG reduction plan should include the measures identified in Table 3.7-6 of the Draft EIR. If alternative measures are selected for implementation, the applicant must verify, to the satisfaction of the Department of Community Development and Sustainability, that the residential GHG reduction plan will result in a total reduction of 1,188 metric tons of CO2e, or greater, when compared to the baseline level of 3,256 metric tons.

As detailed in Section 3.7, and as required by Mitigation Measure 3.7-1, the proposed project includes a wide range of energy efficiency measures and programs to reduce energy consumption and reduce the demand for natural resources. The implementation of this mitigation measure would ensure the project’s consistency with the adopted GHG reductions plans and policies in the City of Davis. Table 3.7-6 provides an analysis of the preliminary mitigation plan to reduce GHG emissions levels from the
2.0 Comments on Draft EIR and Responses

residential component of the proposed project to a level that is below the 1990 GHG emissions threshold used in this analysis. These specific GHG reduction measures that would be implemented by the project are identified on Pages 3.7-21 through 3.7-23 of the Draft EIR.

It is noted that the 2009 GHG Thresholds and Standards for New Residential Development were anticipated to be updated by December 31, 2010. Since that time, the City has not adopted new residential GHG thresholds or standards. Therefore, rather than not applying any specific standard at all in the Draft EIR, the City has elected to apply the mostly recently adopted residential GHG reduction standard to the proposed project.

Non-Residential GHG Emissions Analysis

The City of Davis has not adopted specific targets or thresholds for GHG emissions reductions for non-residential projects. Therefore, in order to provide a quantitative assessment of non-residential project GHG impacts, the City relied on use of 1990 non-residential target GHG thresholds, which mirror the targets established in the City’s residential GHG thresholds.

1990 target non-residential GHG emission levels were based on the Carbon Development Allowances report (September 2008) by Deb Niemeier, Ph.D., P.E. prepared for the City of Davis, the City’s allocation of the state estimates for 1990 GHG emissions of 357,401 MT CO$_2$e. This value includes transportation sources as well as building operations effects.

Non-residential 1990 emission levels were approximately 29,477 MT CO$_2$e, and are based on Table 3 of the City of Davis Greenhouse Gas Inventory and Forecast Report (May 2008) for commercial/industrial energy use and do not include transportation-related emissions. Under Senate Bill 375, it is appropriate to separate transportation-related source emissions from this segment of the analysis, because The Cannery is consistent with the Sustainable Communities Strategy adopted by the Sacramento Area Council of Governments (SACOG), as described above. This value of 29,477 MT CO$_2$e is approximately 8.2% of the City’s total GHG emissions budget for 1990 for non-residential development (which, as indicated above, includes related transportation).

Data from the 1993 State of the City Report was used to estimate the amount of non-residential square footage existing within the city in 1990.

- Retail: 1,836,300 square feet
- Office: 584,900 square feet
- Industrial: 30.1 acres = 1,311,156 square feet. FAR of 0.3 assumed to estimate building square footage of 393,347 square feet.
- Light Industrial: 36.8 acres = 1,603,008 square feet. FAR of 0.3 assumed to estimate building square footage of 480,902 square feet.
- Total Square Footage = 3,295,449 square feet of non-residential square footage in 1990.
2.0 Comments on Draft EIR and Responses

A target allocation of CO₂e emissions for non-residential development was calculated based on 1990 emission levels, for purposes of establishing a baseline from which to assess GHG reduction in compliance with City of Davis goals.

• 29,477 MT CO₂e for non-residential land uses in 1990.

• 3,295,449 square feet of non-residential land uses in 1990.

• 29,477 MT CO₂e/3,295,449 square feet = 0.00894 or **8.94 MT CO₂e per 1,000 square feet** of non-residential development at 1990 levels.

As described under Impact 3.7-2 and shown in Table 3.7-7, the non-residential components of the project would generate a total of 829 metric tons of CO₂e per year. This equates to 6.77 metric tons per 1,000 square feet of non-residential floor area. This is below the 1990 level (the non-residential threshold) of 8.94 metric tons of CO₂ per 1,000 square feet.

In order to determine whether or not the proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs, the proposed project is analyzed for consistency with the City’s D-CAAP, which is implemented through the City’s adopted greenhouse gas emission thresholds, standards, and mitigation guidelines, as described above. The D-CAAP was developed by the City in order for future development projects and City actions to be consistent with – or better than - the statewide GHG reductions goals outlined in AB 32. If the project would generate GHG emissions below the residential and non-residential thresholds identified above, then the project would be consistent with the D-CAAP.

The analysis contained in Section 3.7 of the Draft EIR demonstrates that the project will achieve significant GHG reductions, and would comply with all locally-adopted plans and policies for reducing GHG emissions. It is noted that many commenters expressed concern over the fact that the Draft EIR did not include a quantitative assessment of mobile source emissions. This comment is noted and is not taken lightly. However, given the global and cumulative nature of climate change and impacts associated with GHG, the State of California has adopted strategies that emphasize a regional approach to reducing GHGs. The SACOG MTP/SCS provides the regional framework for reducing GHG emissions per capita from cars and trucks throughout the six-county SACOG region. The Cannery project should not be viewed as a single isolated project in terms of mobile source GHG emissions. The Cannery would provide housing opportunities to help meet the housing needs of the entire SACOG region. The Cannery would provide housing densities significantly greater than the majority of development occurring throughout the region, and while the project may individually increase GHG emissions from mobile sources, its consistency with the SCS will assist SACOG and the entire six-county region in achieving the ARB mandated GHG reductions under SB 375. The passage of SB 375 provided guidance that supports and incentivizes this regional approach to the reduction of mobile source GHGs. The Draft EIR has correctly and appropriately determined that the Cannery project is consistent with the SCS, and has correctly and appropriately applied the CEQA streamlining benefits provided by SB 375.
RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Those comments received from government agencies are represented by a lettered response while comments received by individual or private firms are represented by a numbered response.
- Each letter is lettered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revision marks (underline for new text, strike out for deleted text).
April 12, 2013

Ms. Katherine Hess
City of Davis
23 Russell Boulevard, Suite 2
Davis, CA 95616

The Cannery – Draft Environmental Impact Report (DEIR)

Dear Ms. Hess:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for The Cannery project. The proposed project is rezoning 50 acres of industrial land to a development of a mixed-use project with residential, office, commercial, parks, open space, urban farm and infrastructure. The project includes 100.1 total acres, 551 residential dwelling units (54 acres), 15.2 acres Neighborhood Mixed-Use Business Park, 20.8 acres Open Space, and 10.1 acres Parks/Recreation, a Well Site, and Public Road. The project is located 0.2 miles north of Interstate 80 (I-80) and 2 miles east of State Route 113 (SR 113), within the incorporated boundary of the City of Davis. The following comments are based on the DEIR.

According to the Cannery project DEIR, this development qualifies for CEQA Streamlining under Public Resources Code (PRC) 21159.28 which indicates that the impacts to the regional transportation network, including the State Highway System, do not have to be addressed in the DEIR. However, SR 113 and Interstate 80 mainline in the vicinity of The Cannery project and the interchanges at SR 113/Covell Boulevard (Blvd), I-80/Mace Blvd, or I-80/Richards Blvd are already experiencing congestion. Even a small increase in traffic will exacerbate this congestion and could create a safety issue as a result of vehicles queuing on off-ramps onto the free-flow highway mainline, or with vehicles entering the freeway mainline causing operational and safety impacts. If the impacts are not considered at this juncture, Caltrans, the City of Davis, and the region will still have to address the consequences of this additional traffic at a later date.

“Caltrans improves mobility across California”
Ms. Hess/ City of Davis
April 12, 2013
Page 2

As indicated in recent conversations with City of Davis staff, we would still appreciate the opportunity to meet with City staff and your consultant to discuss the impacts to the State Highway System and to better understand the information in the traffic analysis for the DEIR. We are also available to assist the City with any analysis of impacts to the State Highway System.

If you have any questions regarding these comments or require additional information, please contact Eric Fredericks at (916) 274-0635 or by email at: eric.fredericks@dot.ca.gov

Sincerely,

JEFF PULVERMAN
Deputy District Director
Planning & Local Assistance

cc: Kirk Tract, SACOG
Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"
2.0 Comments on Draft EIR and Responses

Response to Letter A: Jeff Pulverman, California Department of Transportation

Response A-1: The commenter notes that the Cannery Project qualifies for CEQA streamlining under Public Resources Code 21159.28, and as such, the Draft EIR does not need to address impacts to the regional transportation network. The commenter notes that existing State Highway System facilities in the region experience congestion, and that traffic increases on these facilities could result in safety issues associated with queuing and vehicle flow.

The project site is located over 1.3 miles from the nearest State Highway System facility, and as shown on Figure 3.14-4 in the Draft EIR, five percent or less of the traffic generated by the project would utilize a given on-or off-ramp at State Route 113 or Interstate 80. Project implementation does not include any physical changes to the existing State Highway System facilities. The comment does not identify specific safety deficiencies at any ramp locations under existing conditions. As noted by the commenter, the Draft EIR correctly excluded an analysis of regional traffic impacts to the State Highway System, as provided by Public Resources Code 21159.28.

The City of Davis continues to participate in regional transportation planning efforts to address conditions on the State Highway System in the vicinity of the City of Davis. The commenter has not indicated that the analysis in the Draft EIR is inadequate under CEQA, and has not requested that any additional analysis or specific mitigation be included in the Draft EIR.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Todd Riddough <Todd.Riddough@yolocounty.org>
Sent: Friday, April 12, 2013 10:37 AM
To: Katherine Hess
Cc: Panos Kokkas, Jim Campbell
Subject: Cannery Project Public Draft EIR
Attachments: AttachmentB.pdf

Dear Ms. Hess:

Yolo County Planning and Public Works Department has the following comments on the Cannery Project Public Draft EIR:

- On October 13, 2009, the Yolo County Board of Supervisors approved a recommended Alternative Transportation Corridor route from Davis to Woodland. On October 13, 2009, the City of Davis City Council approved Resolution No. 09-172 wherein the City confirmed it would be the lead agency for the acquisition of necessary rights-of-way for the proposed corridor improvements. This approved route is along the east side of the railroad from Covell Blvd to County Road 25A (see attached exhibit). The Cannery Development Site Plans have not included this route in the site design. The county requests inclusion of an area within the development to accommodate this future route that was jointly recommended by the Cities of Davis and Woodland.

- The storm water drainage analysis for the development has been reviewed, but not accepted by Yolo County. The county’s review comments have not been addressed completely. Since this development will discharge into county jurisdiction, the county requests that the developer fully address the county’s comments prior to project approval by the City of Davis.

Thank you for the opportunity to comment on this project.

Todd N. Riddough, P.E.
Senior Civil Engineer, Public Works Division
County of Yolo Planning and Public Works Department
292 W. Beamer St.
Woodland, CA 95695
p: (530) 666-8039
f: (530) 666-8156
todd.riddough@yolocounty.org
2.0 Comments on Draft EIR and Responses
2.0 Comments on Draft EIR and Responses

Response to Letter B:  Todd Riddiough P.E., Yolo County Planning and Public Works

Response B-1: The commenter requests inclusion of an area within the project site for the future Alternative Transportation Corridor route from Davis to Woodland. The project includes a greenbelt with a multi-use trail along the western edge of the site from Covell Boulevard to North Loop C. At the intersection of the greenbelt and North Loop C, the project includes a ten-foot access road for maintenance of the open space / detention basin at the north edge of the site. When and if the Alternative Transportation Corridor is implemented, there is space to accommodate the Corridor using the greenbelt and access road. This comment does not address the adequacy of the Draft EIR. This comment has been included in this Final EIR and has been forwarded to the Davis Planning Commission and the Davis City Council for their consideration during their review of the proposed Cannery Project. No changes to the Draft EIR are required.

Response B-2: The commenter states that the project’s drainage analysis has been reviewed by Yolo County, but not yet accepted by the County. The commenter requests that the developer fully address the County’s comments prior to project approval by the City of Davis.

As described under Impact 3.9-4, a detailed Flood Control Master Plan (FCMP) has been prepared for the proposed project. The FCMP demonstrates that proposed drainage and flood control improvements would reduce potential flooding and drainage impacts to a less than significant level for both City facilities and County facilities. Mitigation Measure 3.9-3 requires the project applicant to make final updates to the FCMP prior to approval of the project’s Final Map. As required by Mitigation Measure 3.9-3, the updated FCMP must meet the requirements of both the City of Davis and Yolo County, and must be approved by the City prior to approval of the Final Map. The City of Davis will coordinate with Yolo County during the City’s review of the FCMP to ensure that the County’s standards are adequately and correctly addressed by the Plan. The County’s comments on this issue are fully addressed by Mitigation Measure 3.9-3, and no additional mitigation measures or changes to the Draft EIR analysis are required. Final revisions to the FCMP would not result in any changes to the project that would result in significant impacts.
April 12, 2013

City of Davis
23 Russell Blvd. Suite 2
Davis, CA 95616
Attention: Bob Wolcott

RE: The Cannery

Dear Mrs. Hess:

Thank you for the opportunity to review the mixed use and residential project located north of Covell Boulevard and east of F Street in the City of Davis, The Cannery. As you may know, Yolo County Transportation District (YCTD) has a variety of responsibilities in Yolo County including administering Yolobus and Yolobus Special, Yolo County’s mass transit and paratransit service, acting as Yolo County’s Congestion Management Agency and overseeing transportation planning throughout Yolo County. YCTD appreciates the smart growth designs, the bicycle and pedestrian friendly circulation and the location of mixed use buildings all will help promote alternative transportation to and within the project.

YCTD has reviewed the Draft Environmental Impact Report (DEIR) and has the following comments:

The DEIR states that Environmental Impact 3.14-3 is Less than Significant

Yolo County Transportation District believes that the Cannery Project DEIR underestimates the impacts on bus service in four major ways:

1. Transit mode split is underestimated.
   Table 3.14-5 (External Trips by Travel Mode) shows a four percent mode split to transit for the project. However, surrounding neighborhoods have shown higher levels of transit mode split, as mentioned in the DEIR: “the residential area of North Davis (bound by Covell Boulevard on the south, the railroad tracks on the east, and Catalina Drive on the west) exhibited the following journey to work characteristics: Drive Alone/Carpool: 74.1%, Bike: 15.1%, Walk: 1.4%, Public Transit: 5.6%, Other: 4.4%.” The DEIR even goes on to say, “A number of academic and professional studies have demonstrated that the built environment can have a profound effect on travel. According
2.0 Comments on Draft EIR and Responses

to Growing Cooler (ULL 2008, pg 88), ten studies examined the effects of regional locations on travel. The studies yielded the same general conclusion: infill locations generate substantially lower vehicle trips and miles of travel (VMT) per capita than do greenfield locations (from 13 to 72 percent). Designing projects with greater Densities, access to regional Destinations (e.g., UC Davis), site Design and Diversity of land use (the 4Ds) can result in meaningful reductions in vehicle trips and VMT.” Yolo County Transportation District completely agrees with these comments and believes that this project will have substantial decrease in VMT, which will cause the overall mode split to shift from Single Occupancy Vehicle to alternative transportation options, including transit.

2. The number of commuter trips are disproportionately distributed between Yolobus and Unitrans,
As explained on page 3.14-47 of the DEIR “According to Table 3.14-4 and 3.14-5, the project would generate 20 outbound and 17 inbound transit riders during the AM peak hour (37 total PM peak hour transit riders, and 19 inbound and 19 outbound transit riders during the PM peak hour (38 total PM peak hour transit riders). This equates to an average project contribution of slightly less than 2 transit riders on each bus headways during the AM and PM peak hours.” The DEIR evenly distributes the commute transit trips to all Yolobus and Unitrans “headways” thus expecting there to be a high proportion of residents working and living in Davis (24 transit trips on Unitrans and 16 transit trips on Yolobus). However, the current work-live balance in the City of Davis is exactly the opposite.

3. The number of riders on any single headway is underestimated,
As explained above the DEIR evenly distributes riders to each of the 20 peak period headways, but in reality the distribution of the new riders will be determined by the timing and destination of the buses. In fact the 37 new riders are just as likely to ride the same headway as they are to distribute themselves across all 20 headways.

4. Increase in Daily External Transit Trips is not addressed,
Table 3.14-5 (External Trips by Travel Mode) shows 482 Daily transit trips (at the 4% mode split). That is 175,930 transit trips a year. Each transit trip Yolobus provides is subsidized by approximately $3.76, if only 70% of the new transit trips are on Yolobus that would require a subsidy of $465,510 per year.

For the reason mentioned above, YCTD believes there will be a significant impact on transit and believes that mitigation measures are needed.

Yolobus currently operates both intercity and express bus service in the City of Davis including four routes along Covell Boulevard near the project site. Routes 42A and 42B provide intercity bus service between downtown Sacramento, West Sacramento, Davis, Woodland and Sacramento International Airport and Routes 43 and 232 provide express bus service between Davis and downtown Sacramento. Each of the routes has a bus stop close to the project site (within 300 ft). Currently, all four routes are experiencing high ridership volumes with Route 42A reporting standing room-only on two evening trips, Route 42B reporting standing room-
only on two morning trips and Route 43 reporting standing room-only on three of the five morning trips and two of the four evening trips. YCTD calculates that this project will increase the demand for transit by nearly 47,000 one way trips per year requiring additional transit service and increasing overall cost. In order to make transit a viable alternative transportation option, YCTD has the following requests:

- **Bus Stop Improvements**: Improve the westbound bus stops by replacing old and outdated glass paneled shelter with new bus shelter with benches, schedule displays and interior solar lighting. Additionally, a new garbage can, bike racks and additional benches should be installed. If needed, YCTD can provide standards for the bus stop placement, and amenities. YCTD also requests that $2,000.00 be put into an impound account each year to pay for the ongoing maintenance of the shelter or that the shelter be maintained by the development.

- **New Bus Purchase**: Assist in the purchase of two new fully-equipped transit buses, average cost $590,000 each. YCTD recommends obtaining 40% ($472,000) of the total cost ($1,180,000) of the transit buses from this development.

- **Operational Improvements**: Provide $177,446 annual to cover the additional cost associated with proving nearly 47,000 trips a year on Yolobus. Back up for this increase in trips and increase in cost are attached to this letter. Alternative funding for this service can also come from the City of Davis' TDA funds.

If you have any questions please feel free to contact Erik Reitz, Associate Transportation Planner at (530) 402-2826.

Sincerely,

Janice Phillips  
Yolo County Transportation District  
Deputy Director
Response to Letter C:  Janice Phillips, Deputy Director: Yolo County Transportation District

Response C-1:  The commenter questions the transit mode splits assumed for the proposed project, as detailed in Table 3.14-5. The assumptions used to generate the transit mode splits for the project are detailed under footnote 3, following Table 3.14-5. The traffic analysis assumed a four percent mode split for transit ridership. It is noted that the footnotes under Table 3.14-5 include a typo that indicates a 5% mode split was used. The analysis relied on a 4% mode split, and the footnotes provide the supporting discussion of what this percentage was selected for use in the analysis. The methodology is consistent with the guidance provided in the ITE Trip Generation Manual, and is consistent with professional industry standards. The City of Davis and the Traffic Engineer that completed the traffic analysis for the Cannery Project have reviewed the modal split assumptions and have determined that they represent a reasonable and accurate transit usage rate for the proposed project, reflecting trip distribution rates in Davis and the location of the project. The commenter also references the ULI report that was cited in the Draft EIR, and states that this report substantiates the use of a higher mode split for transit ridership. The ULI report references overall conclusions that higher density development can reduce overall VMT. However, much of this VMT reduction is expected to take the form of non-transit transportation choices, such as bicycling and walking. The report findings also note that significant improvements in regional transit infrastructure is needed to realize significant increases in transit ridership. As noted above, the mode splits assumed in the traffic analysis are based on the ITE Trip Generation Manual and professional standards, and are considered appropriate for use in this EIR. This comment is noted, and no changes to the Draft EIR are required.

Response C-2:  The commenter states that the ridership distribution between Unitrans and Yolobus is incorrect because it does not reflect the current work-live balance in Davis. The analysis in the Draft EIR provides a good-faith effort to estimate impacts to local and regional transit services, and was not derived based on the City’s current live-work balance. The commenter provides no explanation as to why or how the live-work balance provides an appropriate metric or proxy for estimating transit ridership rates on the two transit services discussed in the EIR. The exact ridership levels on Yolobus and Unitrans may vary over time. However, based on the total transit ridership generated by the project, the Draft EIR includes an analysis of potential impacts to headways in the project vicinity under both the AM and PM peak hour times. This comment is noted, and no changes to the Draft EIR are required.

Response C-3:  The commenter notes that the 37 peak hour transit riders that may be generated by the project would not necessarily be distributed evenly across each of the 20 peak hour headways in the project vicinity. This comment is noted. There is no way to
2.0 Comments on Draft EIR and Responses

know exactly which transit headways future residents and employees within the Cannery site would utilize. As such, the analysis assumes a relatively even distribution of ridership across the range of available headways in the project vicinity during the AM and PM peak hours. It can be assumed that project bus ridership patterns would be similar to ridership patterns throughout the City, which are considered by Yolobus and Unitrans in setting bus routes and scheduled headway times and frequencies. Moreover, riders have the ability to adjust their schedules or routes to avoid uncomfortably crowded buses.

Response C-4: The commenter states that each transit trip Yolobus provides is subsidized by approximately $3.78. Funding for transit capital projects – such as bus purchases, or design and construction of rail systems – is usually split among federal, state and local government grant sources, while operating funds – used to pay the transit labor force and purchase such necessities as fuel and power – typically come from farebox revenues and state and local governments. It is well recognized that farebox recovery is not sufficient to cover 100% of the operating cost of bus transit, a situation that is true for nearly every provider of bus transit. The ratio between the passenger fares paid and the operating cost is called the “farebox recovery” ratio. Local bus transit agencies typically have a farebox recovery ratio of about 20%, which means that 20% of the operating cost comes from passenger fares, and 80% is subsidized by various taxes and grants. The State of California requires a minimum farebox recovery ratio of 20%. The comment references the number of ridership “trips” associated with the project, but it does not follow from this data that Yolobus will require additional subsidy on a per-rider basis to maintain service. Additional service demands only come into play when ridership demand City-wide or County-wide requires the addition of new bus routes and headways. To the extent that project ridership is filling seats (or standing room) on existing headways, provides additional farebox revenue without a significant increase in operating expenses.

Response C-5: The commenter states that the Yolo County Transportation District (YCTD) believes the project would result in significant impacts to transit, related to operational costs, and requests mitigation measures from the project applicant in the form of bus stop improvements, the purchase of two new buses, and funding for annual operational improvements. It is noted that the Yolobus system provides a fee-for-service transit service to the region. If funding deficiencies are currently experienced by the YCTD, possible solutions include increased ridership fees, or the procurement of additional funding sources for system operations. Transit riders generated by the proposed project would be required to pay usage fees to Yolobus each time they took a transit trip on Yolobus. The payment of these ridership fees should be sufficient to offset any increases in Yolobus operational costs generated by the proposed project. As described in greater detail in Section 3.14 of the Draft EIR, there are existing Yolobus stops in the vicinity of the project site, and as such, the project would not generate a new demand for new transit stops in the vicinity, as it would be adequately served by the existing routes and stops currently provided. The project includes improvements
2.0 Comments on Draft EIR and Responses

to the westbound bus stop on Covell Boulevard, including seating, a shelter, and pedestrian amenities. The increase in transit ridership on Yolobus headways generated by the proposed project would not cause YCTD operations to decrease to a level where they could no longer provide transit services to existing and future transit users, as explained in greater detail under Impact 3.14-3. While the proposed project may increase peak hour ridership, these additional transit riders can still be accommodated by the existing transit system. Riders may be required to stand (rather than sit) on certain peak hour headways, which does not constitute a significant impact. Riders may also elect to take alternative headways (earlier or later buses) if they routinely experience crowding on particular peak hour headways. This issue has been adequately addressed in the Draft EIR, and as described under Impact 3.14-3, the proposed project would not result in a significant impact to the local or regional transit system. The issues raised by the commenter have been forwarded to the Davis Planning Commission and City Council for their consideration. No changes to the Draft EIR are required.
April 3, 2013

Ms. Katherine Hess
City of Davis
Community Development Department
23 Russell Blvd.
Davis, CA 95616

Dear Ms. Hess:

The Yolo-Solano Air Quality Management District (District) has received the Draft Environmental Impact Report (DEIR) for the Cannery Project (Project). The Project would develop a mix of land uses, including low, medium, and high density residential uses, commercial use and parks and agricultural space. The total amount of residential units would total 551 dwelling units. We have reviewed the document and offer the following comments:

Construction Emissions:

District staff has reviewed the URBEMIS outputs for construction emissions and do not have any comments on the results of the modeling. As shown in the DEIR, significant coarse particulate matter (PM10) emissions that exceed the District's threshold of significance for PM10 will occur in 2013, primarily as a result of fugitive dust generated during construction activity. However, the District agrees that the mitigation measures proposed to reduce fugitive dust would bring PM10 levels down to a level below the corresponding threshold of significance.

Operational Emissions:

According to the DIER, the Project's operational emissions would exceed the District's thresholds of significance for reactive organic gases (ROG) and nitrogen oxides (NOx). District staff has reviewed the results of the URBEMIS modeling and have several comments:

- Operational ROG emissions may actually be lower than those estimated in the DEIR. The estimate includes emissions from the "hearth" category amounting to 3.59 tons per year.
2.0 Comments on Draft EIR and Responses

According to the District’s Rule 2.40 – Wood Burning Appliances, no new development may include an open hearth fireplace. Under Rule 2.40, only EPA Phase II wood-burning heaters, pellet stoves, or appliances meeting EPA particulate matter standards would be acceptable for installation in residential units in the Project. Taking this regulation into account would likely lower the estimated ROG emissions from the hearth category and reduce the total amount of ROG calculated for project operation. Even so, operational ROG emissions would still exceed the District’s appropriate threshold of significance. Accounting for the prohibitions in Rule 2.40 would reduce operational PM10 emissions as well.

- District staff modeled the project using the CalEEMod emissions modeling software. This program is similar to the URBEMIS program used by the lead agency to estimate operational emissions for the Cannery Project. CalEEMod is used in many jurisdictions in California to conduct air quality analyses. The results obtained by the District using CalEEMod are very similar to the results obtained by the lead agency using URBEMIS. This provides additional assurance that the operational emissions estimated for the Project by the lead agency are accurate.

- The District has reviewed the mitigation measures proposed by the applicant, and concurs that these measures represent a broad and comprehensive set of mitigations to reduce criteria pollutants from operational emissions to the extent feasible. This is consistent with CEQA, which stipulates that projects with significant impacts are required to mitigate these impacts where practical.

Site Design:

Mobile sources are estimated in the DEIR to be responsible for the majority of ROG and NOx emissions as a result of project operations. Consequently, encouraging the use of alternate modes of transportation such as walking, biking, or transit can help to lower overall emissions from the Project. The Project already incorporates many features to help accomplish this. For instance, the Project has a comprehensive network of bike lanes and bike paths. However, the District would like to make several comments regarding site design for the City to consider as it integrates the Project into the existing community. These concepts may also assist in encouraging a long-term perspective so that the Project can be developed in a way where it can ultimately be coordinated with anticipated future growth in the area.

Project Isolation from Adjacent Neighborhoods:

The California Northern Railroad (CNR) track borders the project on the west and will serve as a barrier between the project and F Street and the existing neighborhood to the west. This means that the project as proposed will be accessible only at its southern border via Covell Blvd. Although there is currently no development to the north or east of the project site, the City can take steps now to ensure connectivity to future development in these areas. To reduce the project’s isolation and address the lack of connectivity to existing and potential future surrounding neighborhoods, the District asks that the City consider the following items:
- To improve connectivity with existing development to the west, a full time public access route for at least bicycles and pedestrians to/from F Street could be installed via a grade-separation of the CNR tracks near or in place of the proposed emergency vehicle access (EVA) road.

- The Davis portion of the preferred alignment of the Davis-Woodland Alternative Transportation Corridor runs along the entire western border of the project on the east side of the CNR tracks and along the north side of Covell Blvd to J Street. To ensure that this route remains an option for the Alternative Transportation Corridor, the project proponent could dedicate a right-of-way or easement along the project’s western boundary to the City of Davis. Any easement should be sufficient to facilitate the future construction of the alignment along the project’s western boundary. The project proponent is proposing the construction of a Class 1 multi-use trail along this same corridor. The District recommends that the project proponent consider the goals and objectives of the Davis-Woodland Alternative Transportation Corridor during the design and construction of this project.

- Investigate the feasibility of utilizing the existing railroad trestle/bridge over the canal to the north of the project as a means to provide access to the project. The recommended grade separation and the potential bike and pedestrian connector under the CNR tracks would provide opportunities for direct connections from the project to/from the existing neighborhood to the west of the project and to the Davis portion of the Davis-Woodland Alternative Transportation Corridor.

- Consider requiring dedicated rights-of-way or easements as extensions of the proposed project transportation network to allow for connection points to the north and east in anticipation of future development. This could facilitate convenient and direct connections to future surrounding development.

- The District would like to point out that the existing CNR tracks that border the project on the west could potentially provide an excellent opportunity for transit between the Cannery project and downtown Davis. If it would be feasible for a trolley or streetcar to use these tracks, the City could shuttle people and bicycles between the Cannery Project, downtown Davis and the Amtrak station with multiple stops along the way. Such a transit route could also be used to transport children and students safely under Covell Boulevard as part of a safe route to and from school. While such a concept may not be feasible for implementation in the near-term, the City could study the feasibility for consideration in the future.

**Sound Walls:**

Consideration should be given to the location of any sound walls within the project. While effective in reducing noise impacts from roadways, sound walls can create significant barriers to direct and
2.0 Comments on Draft EIR and Responses

convenient bicycle and pedestrian circulation and access to transit. Any sound walls should be designed with access and pass-through points for bike and pedestrian travel. This will allow for connectivity to adjacent neighborhoods, parks, schools, and commercial and retail areas.

Bicycle Parking:

The District recommends that conveniently located and secure bicycle parking be provided at destination points including retail, office, multifamily residential, recreational, institutional, and community agricultural uses in accordance with the City’s bicycle transportation plan and bicycle parking guidelines.

Electric Vehicle Charging Infrastructure:

In order to allow for the installation of at least Level 2 electric vehicle charging stations, the project proponent should provide the appropriate level of underground and structural electrical infrastructure at locations where charging stations are likely to be used frequently.

Building Design and Construction:

There are many features that can be incorporated into the Project to reduce energy usage and greenhouse gas emissions. As an example, energy star rated appliances could be installed, water and energy efficient landscaping could be utilized throughout the development, and cool roofs and parking areas could be implemented.

The District appreciates the opportunity to comment on the DEIR for this project. If you have any questions about the comments included in this letter, please feel free to contact me at 530-757-3668 or email me at mjones@ysaqmd.org.

Sincerely,

Matthew Jones
Supervising Planner, YSAQMD
Response to Letter D: Matthew Jones, Supervising Planner: Yolo-Solano Air Quality Management District

Response D-1: The commenter states that the Yolo-Solano Air Quality Management District (AQMD) has reviewed the construction emissions modeling and do not have any comments on the results of the modeling. The AQMD agrees with the proposed construction mitigation and agrees that the mitigation would reduce construction emissions to a less than significant level. No further response or analysis is required.

Response D-2: The commenter notes that ROG emissions may actually be lower than those estimated in the Draft EIR, but agrees that ROG emissions would still exceed the AQMD threshold. This comment is noted. The removal of ROG emissions from the air quality modeling results would not change the conclusions presented in the Draft EIR, which determined that operational emissions from the project would be significant and unavoidable. The commenter is referred to Section 3.0 of this Final EIR, which a new mitigation measure, (Mitigation Measure 3.3-4). This measure prohibits the use of any wood-burning fireplace in the project site. This measure exceeds the requirements of District Rule 2.40. The conclusions presented in the Draft EIR related to operational air quality impacts would not change as a result of implementation of this mitigation measure.

Response D-3: The commenter notes that the AQMD modeled project emissions using the new CALEEEMod emissions modeling software, and that the results were very similar to the model results generated by the URBMEMIS software used in the Draft EIR. The AQMD also notes that the air quality mitigation measures presented in the Draft EIR are broad and comprehensive, and represent all feasible mitigation to reduce operational emissions associated with the project. This comment reflects the adequacy and accuracy of the Draft EIR’s air quality analysis and no changes or additional mitigation measures are required.

Response D-4: The commenter has included a list of site design comments and considerations presented for the City’s consideration during review of the proposed project. The commenter notes and acknowledges that these site design concepts do not address the adequacy of the analysis presented in the Draft EIR. These comments and suggestions have been provided to the Davis Planning Commission and City Council for their review and consideration. No changes to the Draft EIR are required.
2.0 Comments on Draft EIR and Responses

Comments on Cannery Project EIR – Ananya Choudhuri, Planning Commission

General Comments:
- Check for typos, grammar and spelling.
- Proposed Mitigation Measures in the EIR would be better enforceable through the use of “shall” instead of “will”, “should” or “may” (e.g. MM 3.2:1-6).
- A short description of the following may be useful for the general reader – city vs. Planning Area.
- Is it UPRR or SPRR line next to the project site?
- There needs to be consistency in project site acreage between sections. E.g.: Project Description states the site as 100.1 acres but the Hydrology sections states the project site to be 98 acres.
- The Cumulative Impact discussions are not consistent between sections. Some section (Noise and Traffic) include this discussion and others don’t.
- MM’s should include “implementation” and “monitoring”.
- Format for MM’s should be consistent. E.g.: Geo section has a heading for “Mitigation Measures” with “none required” but Bio section does not.
- Similarly, the Hazards section lists the “Significance after Mitigation” but another section does not (e.g. Public Services).

Project Description:
- Pgs 2.0-2 through 2.0-3: what is the difference between Objective #7 and Objective #3? E-1
- Pgs 2.0-2 through 2.0-3: what is the difference between Objective #12 and Objective #4? E-2
- Pgs 2.0-2 through 2.0-3: what is the deemed the “sufficient number” of residential units that could support infrastructure improvements? Without a definite, quantitative criterion, how can project alternatives be compared to determine which alternative best meets this objective? E-3
- Pgs 2.0-2 through 2.0-3: what is the appropriate mix of land use and facilities that is necessary to maintain a neutral/positive fiscal impact to the City’s General Plan? Without a definite, quantitative criterion, how can project alternatives be compared to determine which alternative best meets this objective? E-4
- Pgs 2.0-4 through 2.0-5: The analysis in the EIR is not clear on the number of Dwelling Units (610 DUS and its resulting population or 551 DUs and its resulting population) being utilized for the technical analyses. The Project Description states that the upper limit of 610 DUS is used for the technical analysis, yet the Public Services section states 551 DUS as the basis for calculations and analysis. E-5
- Pgs 2.0-5 through 2.0-7: Further clarification is needed in the description and calculation for Maximum FAR. What will be the FARs for the project? Without knowing this threshold, hold is 70% of the total FAR to be calculated to generate a maximum FAR of 50% or 80%. Not clear then what the 50% or 80% are calculated of. E-6
- Pg 2.0-15: Transportation/Circulation: In the absence of a circulation master plan for the overall area (including potential future development on the parcels to the east and north of the project site), the project should consider segmenting the Urban Farm portion of the site to provide for future transportation connections to the east via Loop C North, Look J South or Look C South (Fig 2-9). E-7
- Pg 2.0-16: EVA Point: what are the other options for the EVA access? The EIR needs to present other potential EVA points for the project should the F ST/Far intersection not be approved by the railroad. This is a significant part of the project’s off-site road improvements and in approving the project, it would helpful to evaluate all potential EVA points for the site. E-8
- Pg 2.0-17: Off Site Pedestrian and Bike Connection: Could the bike/pedestrian path connection
at Covell be expanded to allow for EVA?

**Aesthetics:**
- Pg 3.1-8: Impact 3.1-2: The EIR should include a discussion of the views from the site out onto Covell Blvd and out onto F Street/la crossing railroad tracks. Are the railroad tracks at a higher grade than the western portion of the site? If so, what views would residents along the western portion of the site have on a daily basis? Similarly, southern portions of the site are below grade from Covell Blvd so what would the views for the uses along Covell Blvd be those of an embankment or landscaping or a profile of the Covell Blvd roadway?
- Pg 3.1-9: Impact 3.1-3: The EIR should include a discussion of the potential impacts of lights from trains in the evening.

**Agricultural and Forest Resources:**
- Pg 3.2-12: Impact 3.2-2: 4th sentence seems subjective and unnecessary. Recommend deleting the sentence “Given the recent... to a non-agricultural use”.

**Air Quality:**
- Pg 3.3-19: MM 3.3-2: It is not clear how design measures such as street trees, street lighting, street furniture or pedestrian signalization would reduce VMT. Please list only those design measures that would be feasible and would apply to this particular project. Conversely, please replace or add other design measures that would be appropriate to the project.
- Pg 3.3-22: Impact 3.3-3: 4th para: What intersection is the LOS F discussion referencing and which mitigation measure is being referenced in the discussion in this paragraph?
- Pg 3.3-27: Impact 3.3-6: 1st para, 2nd sentence: missing the word “impact” after “... was determined to have a significant and unavoidable...”.

**Biological Resources:**
- Pg 3.4-3: Local Setting: 3rd para: What is the purpose or relevance of EVA discussion in the section?

**Cultural Resources:**
- Pg 3.5-10: City of Davis General Plan Policy HIS 1.3: Policy has no relevance to this project.

**Gas and Climate Change:**
- Pg 3.7-18: Methodology: 4th para: How does the project qualify as a TPA? Where is the closest transit corridor or existing/planned light rail, street car or rail station to the project site?
- Pg 3.7-19: Impact 3.7-1: This section should either list the transit stops in closest proximity to the project site or reference the section (or technical appendix) where these stops are listed.

**Hazards and Hazardous Materials:**
- Pg 3.8-13: Recommendations (Screening level Phase II): The recommendation for a followup shallow soil sampling should be added in to MM 3.8-1.
- Pg 3.8-27: Impact 3.8-1: A MM for UST removal should be added in to address Impact 8.3-1.
- Pg 3.8-33: Impact 3.8-4: 5th para: This sentence should be revised to read “Due to the distance of the project site to the UCD and Yolo County airports, implementation of the proposed project would have a less than significant impact with regard to this environmental issue”.
- Pg 3.8-33: Impact 3.8-5: Since there are no documented airstrips in close proximity to the project site, there should be No Impact rather than Less Than Significant Impact in safety hazards for residents as a result of private airstrip.
2.0 Comments on Draft EIR and Responses

Land Use:
- Pg 3.10-7: Impact 3.10-1: Since there is no established community on the project site, there should be No Impact rather than Less Than Significant Impact resulting from the division of an established community.

Noise and Vibration:
- Pg 3.11-23: MM 3.11-1: How is this MM to be feasibly implemented? Would all buildings within the 60 dB Ldn noise contour be designed without balconies at all or would they be oriented away from the noise source? If so, then Figure 2-6 should be updated to reflect the actual building orientations.
- Pg 3.11-23: MM 3.11-2: How is this MM to be feasibly implemented if train operators typically ignore established Quiet Zones, as was stated at the Planning Commission Public Hearing on March 27, 2013? This MM could be strengthened with a contact at the City for the project or adjacent neighborhood residents to contact should train operators not adhere to the Quiet Zone to be established for the project site.
- Pg 3.11-24: Measures to Reduce Noise Exposure: The list of measures should be incorporated into the EIR as actual MMs under MM 3.11-3.

Public Services and Recreation:
- Pg 3.13-4: Table 3.13-4: Please add in the Da Vinci Charter Academy enrollment numbers for the Da Vinci Junior High School, which is different from Emerson Junior High School.
- Pg 3.13-15: Impact 3.13-3: To be consistent with the discussion and analysis under Impact 3.13-1, there should be a similar MM added to the impact analysis under Impact 3.13-3.

Transportation and Circulation:
- Pg 3.14-11: Data Collection: 3rd para: Please list or refer the reader to the list of seven critical intersections where updated traffic counts were collected in May 2011.
2.0 Comments on Draft EIR and Responses

- Spelling mistake?
- General consistencies between "Project site"; "Planning Area" since these geographic areas are not described. I can see this as cut/paste from the go but general readers may not realize the different categorizations
- UPRR or SPRR?
- Need to read information on who is implementing which
- Consistency between sections on how MMs are presented — eg. some have "Significance after mitigation" others don't; some have "Mitigation Measure - None required" others don't; some present level of significance before MM as "significant" then relates the level of significance after MM; other sections don't.
- Cumulative discussions not consistently presented for every section

Anna C.
530-594-2031	achoudhuri37@gmail.com
Response to Letter E:  

Ananya Choudhuri, Davis Planning Commission

Response E-1:  
The commenter provides a range of general comments on the Draft EIR; responses are as follows: The City is not aware of any typos or grammar errors that impact the analysis or conclusions in the Draft EIR. Mitigation Measure 3.2-1 has been revised to use the word “shall” instead of “will,” as shown in Section 3.0 of this Final EIR. The term “City Limits” includes the incorporated boundary of the City of Davis. The term “Planning Area” refers to the area of land addressed in the Davis General Plan. The Planning Area includes lands outside of the City limits. The rail line adjacent to the site is owned by the UPRR and operated by California Northern. The project site includes 100.1 acres. Cumulative impacts are included in Section 4.0 of the Draft EIR. Some impact discussions in Section 3.0 of the Draft EIR address cumulative impacts in greater detail than what is provided in Section 4.0 of the Draft EIR. Cumulative impacts were addressed in Section 3.0 to provide the reader with a greater understanding and description of cumulative impacts that were conducted at the quantitative level, such as traffic and noise, rather than a qualitative level. The mitigation measures presented in the Draft EIR and MMRP identify the implementation timeframe and enforcement/monitoring responsibilities. Minor discrepancies in the formatting of the mitigation measures presented in the Draft EIR do not have any bearing on the results or conclusions contained in the Draft EIR. Each impact addressed in the Draft EIR identifies the significance of the impact before and after the implementation of the identified mitigation measures. Minor changes to the Draft EIR have been included in Section 3.0 of this Final EIR to address these comments. None of these comments identify any issues related to the adequacy of the analysis or the conclusions presented in the Draft EIR. No further response is required.

Response E-2:  
The commenter asks for clarification of the project objectives. The project objectives were developed through collaboration between City of Davis staff and the project applicant. Project Objectives #3 and #7 are distinct; Project Objective #3 focuses on improvements to public infrastructure while Project Objective #7 focuses on residential development density and product types. Project Objectives #4 and #12 are also distinct. Project Objective #4 emphasizes the recognized need to provide for diverse housing types that serve multi-generational needs. Project Objective #12 focuses on the need to provide sufficient development to support and finance public facilities improvements. The project objectives meet the requirements of CEQA Guidelines Section 15124(b). The Davis Planning Commission and City Council may discuss and comment on the identified project objectives during their review of the project. This comment has no bearing on the adequacy on the analysis or conclusions on contained in the Draft EIR.

Response E-3:  
See Response to Comment E-2, above. Section 5.4 of the Draft EIR contains an analysis of the ability of the proposed project (and the alternatives evaluated) to
2.0 Comments on Draft EIR and Responses

satisfy the project objectives, including those objectives related to the number of residential units. The number of residential units proposed for the project site is consistent with the development assumptions for the site identified by the City's General Plan Housing Element Steering Committee. The number of housing units needed to be sufficient to justify the costs of infrastructure improvements is not a CEQA issue, but may be considered by the City during preparation of the Development Agreement and any fiscal analysis of the proposed project.

Response E-4: See Response to Comment E-2, above. Section 5.4 of the Draft EIR contains an analysis of the ability of the proposed project (and the alternatives evaluated) to satisfy the project objectives, including those objectives related to fiscal impacts. The fiscal implications of the project may be considered and evaluated by the City Council as it weighs the merits of the project.

Response E-5: The commenter requests clarification regarding the total number of proposed units addressed in the Draft EIR. As described on pages 2.0-4 and 2.0-5 of the Draft EIR, the project applicant has reduced the total number of requested residential units and square footage of non-residential building space since the NOP was prepared. Some aspects of the technical analysis for the Draft EIR had been completed prior to these changes in total unit counts (such as traffic), whereas some aspects of the analysis were completed after the revisions to the project were made (such as utilities). The project proposes a total of 547 dwelling units plus an additional 40 accessory units, as described in detail in Section 2.0 of the Draft EIR and Section 3.0 of this Final EIR. The portions of the technical analysis contained in Section 3.0 of the Draft EIR that address a total unit count of 661 units provide an over-estimate of potential project impacts. The changes to the proposed project that occurred after the NOP was released would not result in the increase in severity of any of the impacts identified in the Draft EIR.

Response E-6: The commenter questions the language related to FAR on pages 2.0-6 and 2.0-7 in the Draft EIR. The discussion of FAR is contained in new language proposed for the Neighborhood Mixed Use land use designation, which would be a new designation in the Davis General Plan. Chapter 2.0 of the Draft EIR includes detailed information regarding the acreage of each land use type within the project site, and the total amount of building space or residential units to be developed within each land use designation. This comment has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response E-7: The commenter provides suggestions for changes to the site design and circulation network for the project. This comment does not address the adequacy of the Draft EIR. This comment has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response E-8: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses

Response E-9: This comment is related to the proposed EVA. The commenter is referred to Master Response 1. The commenter also asks if the offsite bicycle path would accommodate an emergency vehicle. It is possible that a police patrol car would be able to utilize the bike path for emergency access, but a fire truck or other large emergency vehicle would not fit within the proposed configuration.

Response E-10: The commenter requests that the Draft EIR include a discussion of what views potential future residents of the project site may have of the surrounding areas, particularly Covell Boulevard and F Street across the railroad tracks. The quality of the views that future residents may have from various locations within the Cannery site to the surrounding areas is not a CEQA issue and is not an impact that should be addressed in the EIR. See Ballona Wetlands Land Trust v. City of Los Angeles, (2011) 201 Cal.App.4th 455, where the court found that “the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” The Ballona court held that CEQA Guidelines section 15126.2(a) should not be interpreted to require the identification of effects on a project and its users that result from locating a project in a particular environmental setting. The Draft EIR fully addresses how implementation of the proposed project would change the existing visual character of the site and the surrounding areas, but does not include a discussion of the quality or the desirability of views from within the site to the surrounding areas. Future residents within the Cannery site will experience a wide range of views depending on the location of their home and the room from which they are viewing their surroundings. Some future residents may have views of roadways, adjacent houses, or the railroad tracks. Section 3.1 of the Draft EIR addresses the full range of CEQA topics related to aesthetic and visual resource impacts. No changes to the Draft EIR are required. This comment has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response E-11: The commenter states that the Draft EIR should include a discussion of potential impacts of lights from trains in the evening. The proposed project would not change the frequency or timing of train trips in the project vicinity. Nighttime lighting from trains would not change from the existing baseline conditions as a result of project implementation. Future residents within the Cannery site may experience views of train lights at night, depending on the location and orientation of their home. This is not an impact that should be addressed in an EIR. See Ballona Wetlands Land Trust v. City of Los Angeles, (2011) 201 Cal.App.4th 455 and South Orange County Wastewater Authority v. City of Dana Point (2011) 196 Cal. App.4th 1604. No changes to the Draft EIR are required. This comment has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response E-12: The commenter provides suggested language changes to the discussion following Impact 3.2-2, but does not question the conclusions or findings in this section. The sentence in question provides context for the discussion of impacts to adjacent agricultural resources. This comment is noted.
2.0 Comments on Draft EIR and Responses

Response E-13: The commenter questions the design measures contained in Mitigation Measure 3.3-2. The language and mitigation requirements included in this mitigation measure were taken directly from the Yolo-Solano Air Quality Management District’s *Handbook for Assessing and Mitigating Air Quality Impacts*. This mitigation measure was also reviewed and endorsed by the AQMD. See Comment D-3 and associated response. The City of Davis and the AQMD shall determine the specifics of implementation of this measure as the project is developed. No changes to the Draft EIR are required.

Response E-14: The commenter asks which intersection with LOS F is discussed under Impact 3.3-4. The referenced intersection is the intersection of Covell Boulevard/Oak Tree Plaza Driveway. The mitigation measures referenced are MMs 3.14-1A through 3.14-1F.

Response E-15: The commenter notes the word “impact” is missing on page 3.3-27 of the Draft EIR. This change has been made and is shown in Section 3.0 of this Final EIR.

Response E-16: The commenter questions the relevance of the EVA discussion in the setting section of the Biological Resources chapter. The EVA, as proposed in the Project Description, would have required improvements to the F Street Channel, which includes potential biological resources. This is discussed in Section 3.4 of the Draft EIR. The commenter is referred to Master Response 1, which describes the new location of the EVA. The northwest EVA is no longer proposed, and as such, there is no potential for the EVA to result in impacts to the F Street Channel.

Response E-17: The commenter states that the City of Davis General Plan Policy HIS 1.3 has no relevance to the proposed project. General Plan Policy HIS 1.3 states “Assist and encourage property owners and tenants to maintain the integrity and character of historic resources, and to restore and reuse historic resources in a manner compatible with their historic character.” The policy provides the City with direction that guides the cultural resources analysis of the EIR. This comment is noted.

Response E-18: The commenter questions how the project qualifies as a TPA. Transit Priority Areas (TPAs) are areas within one-half mile of a major transit stop (existing or planned light rail, street car, or train station) or an existing or planned high-quality transit corridor included in the MTP/SCS. A high-quality transit corridor is a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours (reference page ES Xii in the SACOG MTP/SCS). The Cannery is within an area of the City of Davis designated as a TPA by the SCS. See SCS, Figure 3.2. The residential and commercial development proposed by The Cannery would advance the goals of the SCS to develop these uses within or near TPAs. As described on Page 3.14-7 of the Draft EIR, bus stops are located on Covell Boulevard, immediately east of J Street adjacent to the project site.

Response E-19: The commenter is referred to Response E-18.
2.0 Comments on Draft EIR and Responses

Response E-20: The commenter states that Mitigation Measure 3.8-1 should include requirements for shallow soil sampling. This is included as a requirement under Mitigation Measure 3.8-4. No changes are required.

Response E-21: The commenter states that Mitigation Measure 3.8-1 should include removal of underground storage tanks (USTs). Potential impacts associated with USTs are fully addressed under Impact 3.8-3 in the Draft EIR and the associated technical reports referenced therein. As described, remediation efforts for onsite USTs were completed in 1989. MM 3.8-5 includes requirements for UST monitoring well abandonment. No further mitigation is necessary or required.

Response E-22: The commenter provides suggested grammar revisions that do not alter the analysis or conclusions contained in the Draft EIR. This comment is noted.

Response E-23: The commenter suggests that Impact 3.8-5 conclude there are No Impacts, rather than a Less than Significant Impact related to private airstrips. This change has been made in Section 3.0 of this Final EIR.

Response E-24: The commenter suggests that Impact 3.10-1 conclude there are No Impacts, rather than a Less than Significant Impact related to impacts on an established community. This comment is noted. This change has been made in Section 3.0 of this Final EIR.

Response E-25: The commenter questions the feasibility of Mitigation Measure 3.11-1, which requires building orientation or noise shielding site design measures to be implemented to reduce noise exposure from the adjacent UPRR. The commenter also suggests that Figure 2-6 be updated to show actual building orientations. The exact site design techniques for building orientation to provide noise shielding within the 60 dB contour areas on the western side of the site have not been finalized. Outdoor balconies may be located towards the interior of the site (east-facing) or other site design measures may be used. This mitigation measure provides clear performance-based standards to reduce noise exposure to acceptable limits. Figure 2-6 does not provide a building orientation level of detail, thus, changes to Figure 2-6 would not assist in addressing this topic. Mitigation Measure 3.11-1, as written, provides adequate mitigation to reduce this impact to a less than significant level. No changes to the Draft EIR are required.

Response E-26: The commenter addresses the adequacy of Mitigation Measure 3.11-2, which seeks to establish a quiet zone for the proposed EVA crossing. The commenter is referred to Master Response 1.

Response E-27: The commenter states that the Measures to Reduce Noise Exposure identified on Page 3.11-24 of the Draft EIR should be incorporated into Mitigation Measure 3.11-3. Mitigation Measure 3.11-3 includes performance based requirements that the project must meet in order to be consistent with adopted City of Davis noise standards. The list of Measures to Reduce Noise Exposure provides examples of site design techniques to reduce noise exposure, however, all of these measures may not be
appropriate for all future buildings and uses within the project site. As written, Mitigation Measure 3.11-3 reduces potential noise impacts associated with on-site non-residential uses to a less than significant level, and provides the City and the project applicant with acceptable flexibility to implement site-specific design measures that meet the required noise reduction levels. No changes to the Draft EIR are required.

Response E-28: The commenter requests inclusion of enrollment numbers for Da Vinci Charter Academy in Table 3.13-4. Table 3.13-4 includes the enrollment numbers for the Da Vinci Charter Academy High School. The Da Vinci Junior High School (grades 7-9) had an enrollment of 254 in the 2012-2013 school year. The addition of this new information does not change the substance of the analysis in Chapter 3.13 of the Draft EIR, and no additional changes are required.

Response E-29: The commenter requests that the Draft EIR include a mitigation measure requiring the payment of established fees for police protection. The requirement to pay applicable impact fees is required of the project, regardless of whether or not this is identified as a specific mitigation measure. Funding for Police Department operations is established by the City Council during the annual budget cycle. Unlike funding for a complete fire station, budgets for Police operations may be adjusted incrementally, based on community priorities and available funding.

Response E-30: The commenter requests clarification regarding which intersections were re-counted in February 2012 in order to provide more current data on existing traffic conditions. The February 2012 counts included the following intersections: Covell Blvd./John Jones Rd., Covell Blvd./Anderson Ave., Covell Blvd./J Street, Covell Blvd./Pole Line Road, 8th Street/J Street, 5th Street/F Street, and 5th Street/G Street.

Response E-31: The commenter is referred to Response E-1.

Response E-32: The commenter is referred to Response E-1.

Response E-33: The commenter is referred to Response E-1.

Response E-34: The commenter is referred to Response E-1.
COMMENTS ON THE CANNERY DRAFT EIR (TRANSPORTATION SECTION ONLY).
PROVIDED BY HERMAN BOSCHKEN, MARCH 20, 2013

Due to the limited time to review this document and my other pressing responsibilities, I am only able to examine the transportation section of the Cannery EIR (Chap 3.14). I selected this over other sections because I believe it contains more significant impacts than other areas. In this review, my comments are organized around three areas:

1. Cannery’s community character: The EIR describes the PD around the theme of a multigenerational community that would include up to 551 residential opportunities for singles, young marrieds, empty-nesters, and combinations that might be described as “multigenerational family” (MGF) living. The MGF concept was first described by me in work I did with Vail Resorts in the early 1990s, and is now common terminology in the leisure, recreation and entertainment industries. It is, however, rather new to urban development. In the manner described in the EIR, the identity actually involves one concept embedded in another. In the first instance, as a community made up of several generations, the Cannery is supposed to offer housing, socioeconomic activities, and recreational opportunities on-site for all age levels. But, with the EIR’s reference to “granny units,” the embedded concept of a family unit suggests a multigenerational family (grandparents, parents and children) may be encouraged to live, recreate and enjoy opportunities as a single identity (i.e., separate from individuals and the traditional family unit). The significance of this MGF identity for the Cannery, especially for traffic and mobility, is that the larger scale and number of interdependencies within the multigenerational family (relative to other family units) typically results in far greater increases in demands on activity venues and transportation capacity. In a synergistic sense, MGF units simply have the capacity and opportunities to do more than other family configurations (especially regarding multiple breadwinners and multiple-actor participation in child care, K-12 school activities, after-school and weekend events, shopping and medical appointments, mid-week entertainment and other family recreation).

Although the EIR alludes to an emphasis on multigenerational, I don’t believe that it adequately accounts for the potential synergistic increase in mobility and activity demands of the multigenerational family unit. Beyond offering “granny flats,” the developers and the City should do a complete assessment of impacts from a MGF community perspective. I cannot speak to the adequacy of parks and open space, but MGF will probably increase vehicle trips within and outside the development more than the conventional analysis indicates.

2. Design alternatives to reduce traffic pattern impacts within and outside (principally Covell) the Cannery: According to the EIR, current traffic on Covell is 19,000 vehicles per day (90% of vehicle trips through the Covell/J St intersection) and on J St is 3,000 vehicles per day (p. 3.14-3). The Covell/J St signal currently operates at 8 second intervals during peaks (Table 3.1-3). In proportion to all trip modes, 75% of trips in Davis, both historically and projected, are by auto (p. 3.14-16). Additionally, the Davis Transportation Element indicates that about half the people who live in Davis, work outside of Davis; and about half of those who work in Davis, live elsewhere. These estimates would indicate that the vast majority of environmental impacts would be generated by auto emissions, regardless of the provision for alternative transportation modes.
If this deduction is accurate, the EIR fails to provide sufficient attention to reducing vehicle impacts and badly misconstrues traffic patterns. Emphasizing more bike lanes and transit are helpful, but an imbalance appears to exist in considering predominant use of cars. Therefore, the EIR needs to address two issues not raised:

First, the EIR states that 50% of Cannery traffic is likely to come and go to the west along Covell toward State 113 (p. 3.14-21). It also states that 33% of such traffic would go east on Covell toward I-80. Only 16% would go south toward the City’s core. Therefore, such estimates suggest the traffic flows correspond to and accentuate an urban land use pattern often referred to as “multi-nucleated.” That is, the city has no dominant core and exhibits many non-parametric (dispersed) activity centers, and/or is integrated with a larger regional pattern of multi-nucleation. This is in direct contrast to the City’s current Draft Transportation Element which identifies Davis’ configuration as “spoke and hub,” where the Downtown core is presumed the center of socioeconomic activity. This raises an essential inconsistency in the planning assumptions of the Cannery development and the planning assumptions of the Davis General Plan.

In light of this inconsistency, the developer proposes vehicle traffic solutions reflective of interurban and multinucleated patterns. Specifically, the EIR includes a new set of arterial signals for Covell stretching at least as far as Pole Line on the east to the J St intersection (entrance to Cannery). Moreover, the developer indicates that between 600 and 850 retail and commercial jobs will be permanently created in the development’s commercial space (p. 3.14-15), which, in turn, will add a significant number of vehicles to Covell during peak periods (in addition to trips initiated by those living at Cannery). These proposals for jobs and signals would create a very tight set of “controlled” intersections around Oak Tree Plaza which is likely to exacerbate an already congested area of Covell, especially with the concentration of 800 new jobs and perhaps 1,500 new residents. Although the EIR suggests these added signal controls would lessen congestion, nationally recognized analysis indicates such signaled intersections in close proximity to one another would only go to exacerbate an already congested area around Oak Tree Plaza.

Second, to provide the greatest opportunity to increase traffic flow efficiency, reduce/minimize air pollution and optimize roadway safety, the EIR needs to include several roadway design alternatives besides those offered. For example, both the Davis General Plan and the Climate Action Plan call for use of roundabouts, traffic circles and signal sequencing to address traffic efficiency, auto emissions and safety. Yet, none are proposed or identified in the EIR. Signal sequencing is a well established method for improving traffic flows and reducing air emissions (especially greenhouse gases). But, no mention or analysis is made to sequence the existing and proposed signaled intersections along a mile or more of Covell. By some estimates, these two methods may reduce air pollution by up to 8%. Roundabouts (including multiple-lane) are known to reduce accidents by considerable amounts as well.

Specific to Cannery, I would think it prudent to use traffic circles within the proposed development as a means of traffic calming measures and emissions reductions over standard controlled and uncontrolled neighborhood intersection techniques. I also think replacing the Covell/J St signal with a multi-lane roundabout would have an even bigger positive impact,
especially since the developer can dedicate Cannery land for the wider intersection that would be needed to accommodate the roundabout. With regard to roundabouts, the data collected nationally and exhibited in towns like Truckee, CA and Avon, CO (both use them on state highways and all other town intersections) demonstrate not only feasibility, but also safety and reduced emissions over standard methods. But, we need to go no further for precedent than UCD’s new West Village to see multiple-lane roundabouts at the project entrance on Hutchison and circles within the development. Even though precedents are widespread for both signal sequencing and roundabouts, Davis has been a laggard in promoting and adopting such methods.

3. **Miscellaneous inconsistencies.** The lack of proposing traffic circles is contrary to Policy MOB 1.5, in that this policy calls for a program that “implements traffic calming measures” (p. 3.14-22). The lack of proposing roundabouts is contrary to Policy MOB 1.6, in that this policy calls for building new intersections and redesigning existing intersections to maximize pedestrian and bike convenience and safety relative to automobile needs (p. 3.14-22). According to the literature, roundabouts have proven to be superior in significantly reducing accidents involving autos, bikes and pedestrians.

The lack of considering roundabouts instead of signals is inconsistent with MM 3.14-1C (p. 3.14-32) and MM 3.14-1D (p. 3.14-33), in that each of the mitigation measures would likely be inferior for pollution reduction/minimization to those required for roundabouts or use of extensive signal sequencing.

-Herman Boschken, Member
Davis Planning Commission
2.0 Comments on Draft EIR and Responses

Response to Letter F: Herman Boschken, Davis Planning Commission

Response F-1: The commenter provides a narrative related to “multigenerational family” MGF living, and suggests that the City should do a complete assessment of impacts from a MGF perspective. The Draft EIR includes a complete and comprehensive analysis of potential impacts that may result from implementation of the proposed project, which is described in detail in Section 2.0 of the Draft EIR. The analysis contained throughout the Draft EIR addresses the project, as proposed, and discloses all significant and potentially significant impacts. Mitigation measures have been included in order to reduce significant impacts to the greatest degree feasible. It is also noted that the traffic analysis conducted for the Draft EIR was based on trip generation rates included in the 2008 ITE Trip Generation Manual. The ITE Trip Generation Manual includes trip rates which are based on housing unit type (single-family housing, multi-family housing, senior housing, etc.). While some future residents of the Cannery Project may include multigenerational family units, as described by the commenter, the project applicant is not specifically developing housing units that would be suitably only to MGF living arrangements. The construction of “granny units” or accessory dwelling units is an allowable use for most single-family homes throughout Davis and the State of California. As is the case throughout most of Davis and the State, the majority of single-family homes do not include accessory dwelling units. The project includes 40 accessory dwelling units to be built with the initial construction, as established in the affordable housing plan. However, the total number of units in the project, including the accessory dwelling units, does not exceed the 610 dwelling units originally assumed in the traffic study. As such, it is appropriate to apply the ITE Trip Generation Rates to the project’s traffic study, based on the range of housing unit types proposed by the project applicant. No changes to the Draft EIR are required in response to this comment. This comment has been forwarded to the Davis Planning Commission and City Council for their review and consideration.

Response F-2: The commenter challenges the trip distribution assignments for vehicle traffic generated by the proposed project, and states that the proposed traffic mitigation measures in the Draft EIR do not adequately address impacts to the local roadway system.

As described in greater detail in Section 3.14 of the Draft EIR, the distribution of project trips was estimated using a variety of sources and analytical techniques. The following describes those sources and analysis techniques:

- **Project-only traffic assignment using the Base Year City of Davis travel demand model**: This process consists of adding the proposed project to the traffic model, rerunning the model, and tracking the number/directionality of project trips assigned to the surrounding roadway network.
2.0 Comments on Draft EIR and Responses

- **Location of complementary land uses:** Residential uses within the project will produce trips that are attracted to nearby schools, shopping, employment centers (i.e., UC Davis, South Davis technology parks, etc.), and recreational opportunities. Retail and office uses within the project will attract trips primarily from residential uses with retail trip distances generally being shorter than office commute trip lengths.

- **Review of existing travel patterns for nearby residential and commercial developments:** Existing turning movements were analyzed to determine the following travel patterns:
  
  - Residential on F Street north of Covell Boulevard: 19% west on Covell Boulevard, 37% east on Covell Boulevard, and 44% south on F Street.
  
  - Wildhorse Residential Area north of Covell Boulevard and east of Pole Line Road: 38% west on Covell Boulevard, 29% east on Covell Boulevard, 22% south on Pole Line Road, and 11% north on Pole Line Road.
  
  - Oak Tree Plaza Shopping Center at the Covell Boulevard/Pole Line Road intersection: 31% west on Covell Boulevard, 38% east on Covell Boulevard or north on Pole Line Road, and 31% south on Pole Line Road.

The proposed project will not have identical trip distribution characteristics of any of these three nearby land uses because the project consists of a mix of uses (versus retail or residential only). Nevertheless, information from these uses is helpful for reviewing the overall reasonableness of the estimated project trip distribution.

Figure 3.14-4 in the Draft EIR shows the expected distribution of project trips under existing plus project conditions. About half of project trips are expected to be distributed to/from the west on Covell Boulevard (toward F Street). Continuing westerly on Covell Boulevard, project traffic percentages gradually decrease to 29 percent approaching Anderson Road. One-third of trips are expected to be to/from the east (toward Pole Line Road). The remaining 16 percent are to/from the south on J Street.

Access to the project would be provided off Covell Boulevard by the signalized intersection at the proposed Road B opposite J Street, and by a proposed right-turn only Road A that would be situated further west. U-turns would be permitted from the eastbound left-turn lane at J Street to enable project traffic to enter the right-turn only entrance.
The analysis of project impacts to the local roadway system under existing plus project conditions and cumulative plus project conditions was completed using the trip distribution shown in Figure 3.14-4, which was based on the methodology and approach described above. The Mitigation Measures presented in Section 3.14 of the Draft EIR would reduce impacts to local intersections to a less than significant level under both existing and cumulative conditions. The EIR acknowledges and discloses that the project would contribute the traffic congestion along East Covell Boulevard in the vicinity of the Oak Tree Plaza Driveway. A range of mitigation options are presented (Mitigation Measures 3.14A through 3.14F) to reduce traffic impacts at this intersection.

The City of Davis has the authority to require the implementation of mitigation measures to reduce significant traffic impacts identified in the Draft EIR that would result from project implementation. The Draft EIR has fully and accurately described and disclosed the potential traffic implications associated with project implementation, and has provided a range of feasible mitigation measures to reduce these impacts to a less than significant level. The analysis and conclusions contained in the Draft EIR and the traffic analysis account for the implementation of the identified mitigation measures, and addresses the traffic conditions of the proposed project following implementation of these mitigation measures. The roadway, intersection, and overall traffic conditions of the areas surrounding the project site have been described and disclosed prior to mitigation and following mitigation. The City has examined a range of mitigation options that would reduce potential traffic impacts to a less than significant level, and the selected mitigation measure(s) must be implemented by the project applicant, as described in the Draft EIR. This comment has been forwarded to the Davis Planning Commission and City Council for their consideration during their review of the proposed project.

Response F-3: The commenter suggests the use of alternative traffic control measures, including signal sequencing, roundabouts, and traffic circles. However, as indicated in the Draft EIR, all potentially significant impacts associated with project development are addressed by the project’s proposed design features or identified Mitigation Measures. This comment has been forwarded to the Davis Planning Commission and City Council for their consideration during their review of the proposed project. The commenter is also referred to Response F-4.

Response F-4: The commenter states that the lack of discussion of roundabouts for traffic mitigation in the Draft EIR is inconsistent with City policies promoting traffic calming measures and maximizing pedestrian and bike convenience at intersections. The project does not include any internal traffic signals, and provides a roundabout at the intersection of Loop C South and Entry Road B. The mitigation measures presented in the Draft EIR would adequately reduce project-related traffic impacts to a less than significant level, as required by the Davis General Plan. The use of roundabouts and other traffic control measures is a topic that may be discussed and considered by the Davis
Planning Commission and City Council, though it is recognized that these features are not required in order to address a significant and unavoidable impacts associated with traffic and circulation. This comment has been forwarded to the Davis Planning Commission and City Council for their consideration during their review of the proposed project.
2.0 Comments on Draft EIR and Responses

Comments on Cannery Park EIR

Mark Braly, member Davis Planning Commission, president, Valley Climate Action Center.

The discussions of energy use for Cannery Park in sections 3.3 (air quality) and 3.7 (GHG and Climate Change) are confusing and in part redundant.

The discussion of the city’s goal of reducing GHG emissions to 1990 levels by 2020 cannot logically be applied to a new mixed use development. This is a goal for the entire city and all sources of GHG emissions. (see table 3.7.1). The mitigation measures proposed under Air Quality at page 3.3.19, appear to be a random list of measures which don’t add up to much of anything. Their relation to the GHG emission mitigation measures discussed in Section 3.3.

Application of Tier 2 State Green Building code standard (page 3.1.31) does not recognize that the technologies and techniques for reaching net zero energy in new construction have been demonstrated to be cost-effective in Davis.

Tier 2 of the State Green building code (page 3.1.31) is only mentioned in the text and not in the proposed mitigation measures.

Net Zero Energy is not one of the mitigation measures proposed in the EIR. I will proposed it as a required mitigation measure in the final EIR.
Response to Letter G:  

Mark Braly, Davis Planning Commission

Response G-1:  The commenter states that the discussions of energy use in the Air Quality and Greenhouse Gas Sections of the Draft EIR are confusing and in part redundant. However, the commenter does not provide any specifics. The CEQA Guidelines treat air quality emissions and greenhouse gas emissions separately, even though these emissions largely originate from similar sources. The air quality analysis focuses primarily on emissions of criteria air pollutants, include particulate matter (PM) and ozone precursors (ROG and NOx). The greenhouse gas analysis focuses primarily on CO2 and other types of greenhouse gases, which are regulated differently than criteria air pollutants in California. The Air Quality Section and Greenhouse Gases Section of the Draft EIR each describe and explain the applicable regulations, the approach and methodology to the respective analyses, and the thresholds of significance used in each analysis. This comment has been noted.

Response G-2:  The commenter states that the City’s goal of reducing GHG emissions to 1990 levels cannot logically be applied to a new mixed use development. The commenter states that the mitigation measures proposed under Air Quality at Page 3.3-19 appear to be random and don’t add up to anything. Mitigation Measures 3.3-1 and 3.3-2 were derived directly from the Yolo-Solano Air Quality Management District’s Handbook for Assessing and Mitigating Air Quality Impacts. These measures have been approved by the AQMD to provide a common approach towards reducing air emissions from development projects within the region. The AQMD has confirmed that these measures are appropriately applied to the project, and that the proposed mitigation is adequate. See Comment D-3 and related response. It is also noted that the project applicant has made significant commitments to provide an extensive network of onsite PV (solar) power generating infrastructure, which will assist in reducing air quality and GHG emissions from the project.

In 2009 the City of Davis adopted a resolution establishing greenhouse gas emission thresholds, standards, and mitigation guidelines for new residential development projects. These thresholds and standards are used by the City to determine a project’s GHG emissions impacts, and for negotiating development agreements.

The standards are designed to achieve critical long-term GHG reductions while maintaining the economic viability of new residential development. The general objective is to offer clear standards based on the best available information and allow flexibility in how those standards are met. To this end, the framework establishes multiple paths for meeting the overall requirements and includes suggested mitigation measures to help guide the development community’s challenging work of achieving meaningful GHG reductions. The general rationale behind the standards is that housing built today will be here beyond 2050; the target year for when society will need to be effectively carbon neutral to minimize the effects of global warming.
The standards for new residential development vary by the number of units in the project. Projects with more than 26 units are required to reduce GHG emissions to 1990 levels, as shown in Table 3.7-2 of the Draft EIR. As described under Impact 3.7-1, and as required by Mitigation Measure 3.7-1, prior to the issuance of building permits, the project applicant shall finalize the residential GHG emissions reduction plan and submit the plan to the Department of Community Development and Sustainability for review and approval. The residential GHG reduction plan should include the measures identified in Table 3.7-6 of the Draft EIR. If alternative measures are selected for implementation, the applicant must verify, to the satisfaction of the Department of Community Development and Sustainability, that the residential GHG reduction plan will result in a total reduction of 1,105 metric tons of CO2e, or greater, when compared to the baseline level of 3,031 metric tons.

The implementation of this mitigation measure would ensure the project’s consistency with the adopted GHG reductions plans and policies in the City of Davis. The analysis under Impact 3.7-2 demonstrates that the proposed project would comply with the non-residential GHG emissions standards established by the City. No changes to the Draft EIR analysis or mitigation measures are required.

Response G-3: The commenter states that the application of Tier 2 State Green Building code standards do not recognize that technologies and techniques for reaching zero net energy in new construction have been demonstrated to be cost-effective in Davis. This comment is noted. Neither the State of California nor the City of Davis has adopted a requirement that new development projects achieve zero net energy consumption. The analysis presented in Section 3.7 of the Draft EIR demonstrates the project’s compliance and consistency with statewide, local, and regional plans and policies to reduce GHG emissions. No additional mitigation is required under CEQA.

Response G-4: The commenter states that Net Zero Energy is not one of the mitigation measures proposed in the EIR, and that he will propose it as a required mitigation measure in the Final EIR. The State Air Resources Board staff has opined that net-zero thresholds are not mandated in light of the fact that (1) some level of emissions in the near term and at mid-century is still consistent with climate stabilization and (2) current and anticipated regulations and programs apart from CEQA (e.g., AB 32, the Pavley vehicle regulations, the Renewable Portfolio Standard, the California Solar Initiative) will be implemented to reduce GHG emissions as required. See California Air Resources Board, Preliminary Draft Staff Proposal, Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act, October 24, 2008.

Similarly, the California Air Pollution Control Officers Association (CAPCOA) has developed a white paper to assist California air districts in CEQA assessments of GHG emissions for the projects that air districts must either permit or on which provide CEQA analysis and comment. (CAPCOA, CEQA and Climate Change, January 2008.) The CAPCOA white paper does not endorse a particular approach, emphasizing lead
agency discretion, but discusses using a “zero threshold” or a “non-zero threshold” for significance determinations, as well as a creatively wide variety of different approaches for determining significance within these frameworks. It suggests that the drawback of a “zero threshold” is that a broad range of permitted activities, down to the single residential building permit level, become “cumulatively considerable” in a CEQA context and thus subject to potentially burdensome CEQA analysis and mitigation. (Id., p. 31.) Moreover, like CARB and others, the white paper acknowledges that a zero threshold imposes significant administrative costs on permitting agencies, and may effectively preclude lead agencies from utilizing the common and efficient devices of lead agency CEQA analysis: categorical exemptions, negative declarations, and mitigated negative declarations. (Id., pp. 28-29.)

This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration during their review of the proposed project.
2.0 Comments on Draft EIR and Responses

Cannery Draft EIR Public Comments received at March 27, 2013 Planning Commission Hearing

Sue Greenwald:
- New projects should not be able to opt out of the municipal water system. This results in increased costs for existing development.  
  H-1
- There is no business park only alternative addressed in the EIR. Housing (as proposed) will have GHG, land use, and planning impacts as a result of a jobs:housing imbalance.  
  H-2
- The unintended consequences of this project will push business parks further to the periphery of the City, resulting in sprawl. This is not addressed in the EIR.  
  H-3

Robb Davis:
- GHGs won’t be reduced without aggressive alternative transportation options in the project.  
  H-4
- Grade separated bike crossing is problematic with the H Street tunnel. The tunnel is in bad shape and there are safety and capacity issues.  
  H-5
- Suggests EIR conclude there are negative impacts associated with bicycle facilities, and suggests the addition of mitigation measures with commitments to improve the H Street tunnel.  
  H-5
- The J Street entrance improvements are not clear. The project needs more aggressive pedestrian and bike safety for project access. Project needs grade separated crossings to the east and to the west, and stronger travel alternatives to the automobile.  
  H-5

Steve Tracy, representing Davis Bicycles:
- Bike counts in the Draft EIR were taken in February when the weather is cold. Suggests/requests new counts taken in May when weather is warmer.  
  H-6
- Project traffic will impact Covell Boulevard at J Street, which will lead to pollution from idling vehicles.  
  H-7
- Bike routes from the southwest corner of the site have safety concerns, due to lack of “eyes on the street” in this area.  
  H-7
- There is a heavy accident count on J Street near Covell Boulevard. Cites 35 accidents on J Street between 8th Street and Covell, 15 involving bikes in last three years.  
  H-7
- Requests grade separated crossing near southeast corner of the project site, under Covell Boulevard.  
  H-7
- Project needs two grade separated crossings for bike safety and to obtain the necessary cycling mode share.  
  H-7
2.0 Comments on Draft EIR and Responses

Mont Hubbard:

- Requests two grade separated bike crossings. States that this is the only way to meet the GHG reduction standards. These are also needed for safety.  
  
- Air quality impacts should be mitigated by enhancing bike and pedestrian transportation. This won’t happen without safe grade separated crossings.

Michael Morris:

- Concern over noise associated with emergency vehicle access (EVA). Requests EVA be moved to eliminate noise from train horns.

Jerry Adler:

- Page 4.0-18 of the Draft EIR states that the project would result in the irreversible commitment of the land to residential land development with a conclusion that the land won’t be returned to an industrial use. States that this conclusion is presumptive and disagrees with the conclusion. The EIR should justify this statement.

- Planning Commission needs to consider the ramifications of a new Zone District for Business Park Mixed Use and whether public interest requires change in designation from business park to residential uses.

Lydia Delis-Schlosser:

- Provided a narrative of the adjacent Covell Village project history and challenges faced by that project owner.

- Requests project provide additional bike and pedestrian connectivity with Covell Boulevard and comprehensively plan for the future.

- Questions if future bike and pedestrian connectivity needs are adequately addressed.

- States that F Street, north of Covell Boulevard, was not addressed in the EIR Traffic Study. Why not? Notes that children walk and bike in this area, and there could be safety impacts.

Bill Streng:

- Expressed concern that the Cannery project won’t mitigate its share of drainage and traffic impacts. Noted that the Covell Village project’s EIR required more mitigation measures.

- Wants the benefits of combining infrastructure between the Cannery and Covell Village projects and economies of working together.

- If the City wants to attract business, more large lot executive housing is needed.
2.0 Comments on Draft EIR and Responses

- Seniors want amenities, less maintenance, universal design, and one-story detached ownership housing. Glacier Court is a good example.

Barbara Forbes:

- Concern over noise and safety associated with EVA. Concern over decibel level of each train horn, not the 24-hour average.
- States that trees removed for EVA would remove an existing noise buffer shielding homes located to the west of the Cannery site and the UPRR.
- The EIR should address EVA alternatives.
- EVA poses a risk to safety, particularly teens who hop or bypass the fence to cut across the RR tracks.
- The existing bike path that starts at F Street and Faro, and leads to the H Street tunnel, needs to be widened for safety.
- The street light at F Street and Faro would need to be moved, which would cause a safety impact.
- States that EIR should be revised to address these topics.

Lynn Hooper:

- Draft EIR should consider EVA alternatives that don’t cross the railroad tracks.
- The bike path from Faro to the H Street tunnel is a safety hazard. Kids will get near the railroad tracks.
- *Nuisance noise from the proposed EVA will be greater than indicated in the EIR.*
- Requests definition of “modern construction” in the context of interior noise attenuation.

Gene Wilson, representing the Natural Resources Commission:

- The project should provide improved bike connectivity.
- States that the EIR did not include a multi-modal traffic analysis. There is an inadequate discussion of impacts to bike and pedestrian facilities.
- Need more analysis of energy issues and a requirement that all homes should include solar.
- States that EIR does not address whether or not the project is a wasteful or inefficient use of energy.
- Requests analysis of grey water usage in EIR.
2.0 Comments on Draft EIR and Responses

- Natural gas fireplaces should be a requirement of the project (prohibition on wood-burning).  
  H-31
- Requests direct farm to consumer sales be allowed in the urban farm component of the project.  
  H-32
- Design project waste streams to compost food waste.  
  H-33

Gene Wilson, representing himself

- GHGs were not adequately addressed in the EIR. The analysis relied on expired GHG thresholds (passed in 2009, expired in 2010). The age of the GHG data renders the analysis obsolete.  
  H-34
- Disagrees with the Less than Significant determination of GHG impacts.  
  H-35
- Notes there are no transportation-related GHGs analyzed in the Draft EIR, and this is the most important component of GHG emissions.  
  H-36
- States that thresholds of significance for GHG impacts are incorrect in that they treat new and existing residences the same.  
  H-37
- Disagrees that impacts to agricultural resources are Less than Significant. Agricultural lands of Local Importance are located on the northern half of the project site.  
  H-38
- States that the EIR contains no analysis of traffic impacts to the regional highway network, and that this should be included.  
  H-39
- Requests analysis of a high-tech business park alternative addressed in the EIR.  
  H-40

Commissioner Braly:

- EIR should include mitigation measures requiring zero net energy. The West Village and Parkview Terrace projects do this.  
  H-41

Commissioner Hague:

- Concern over the proposed EVA. Wants alternatives to the currently proposed EVA addressed in the EIR.  
  H-42

Project needs to address bike and pedestrian safety at Covell Boulevard.  

Commission Choudhuri:

- Objectives 12 and 13 are too broad. How will objective 9 be measured?  
  H-43
- Notes differential in total residential unit counts in the project description (610 vs 551).  
  H-44
- Figure 2.11-A: Bike Path Alignment: what easements are needed?
2.0 Comments on Draft EIR and Responses

- Make sure the air quality and traffic analyses account for the import/export of cut and fill materials during project construction.  
  H-44

- Address impacts associated with train lights at night (potential light and glare impacts to proposed residents inside the Cannery project).  
  H-45

- Re-examine analysis on DEIR page 3.2-13 regarding the potential for the project to indirectly result in the conversion of agricultural lands to non-agricultural uses.  
  H-46

- Explain how mitigation measure 3.3-2 reduces vehicle trips and emissions. Explain the relevance of this mitigation measure, specifically the provisions for street trees.  
  H-47

- Can the urban farm be divided in the future to facilitate roadway connections to the east of the site?  
  H-48

- Some sections of the EIR had a cumulative impact analysis, while some did not. Consistency is requested.  
  H-49

- The EVA depends on cooperation and agreement from UPRR and the PUC. What is the alternative for EVA if this proposed rail crossing is not approved?  
  H-50

- How many units would be located within the 100-year floodplain as currently mapped? What happens to the project if the CLOMR is not received?  
  H-51

- Impact 3.10-1 should conclude there is No Impact.  
  H-52

- Mitigation measure 3.11-1, which requires re-orientation of buildings for noise attenuation, is vague and not practical. Should be revisited and strengthened.  
  H-53

- Why was 2.71 people per dwelling unit used in the wastewater generation analysis?  
  H-54

- Da Vinci Junior High Charter Academy was not listed in the schools table.  
  H-55

- Traffic counts were conducted in 2011 and 2012. Which intersections were re-counted in 2012?  
  H-56

- Ensure that NMRP identifies who must implement, and when measures must be implemented.  
  H-57

Commissioner Essex:

- Requests analysis of neighborhood bike and pedestrian impacts. Are bike and pedestrian improvements needed on Covell Boulevard?  
  H-58

- Project should include bike path extensions on the north side of Covell Boulevard and the overpass.  

- Requests improved analysis of bike and pedestrian facilities based on travel patterns.
2.0 Comments on Draft EIR and Responses

- Placing a drainage basin in a flood zone is not logical. Ensure that drainage is properly analyzed.
  - H-59
- Clarify the amount and location of fill needed for the project site. How do the heights of the homes compare to the railroad tracks and drainage areas?
  - H-60
- Explain how drainage system will function to move water from on-site to off-site.
  - H-61
- Channel A, north of the site, is a source of mosquitoes and flooding. Channel A should be improved to maintain water in the channel.
  - H-62

Commissioner Hanson:

- Requests an economic impact analysis if this property opts out of the Davis/Woodland Water Project. What are the costs to existing water users and rate payers?
  - H-63
- GHGs could be mitigated if more non-residential uses are placed on the Cannery site. Requests more tech business development on-site.
  - H-64
- Project site is one of the last remaining large lots in Davis.
  - H-65
- Project should discuss sites for non-profit and public uses.
  - H-65
- More activities for kids will attract tech companies to Davis.
  - H-66
- Use of the on-site well could lead to subsidence.
Response to Letter H: Commissioners, Davis Planning Commission

Response H-1: The commenter states that new projects should not be allowed to opt out of the municipal water system. This comment is noted. The project proposes to receive water from the City’s municipal system, as described in Section 2.0 of the Draft EIR. The project applicant has indicated a desire to further explore the feasibility of utilizing an existing on-site agricultural well to provide non-potable water for onsite landscape irrigation and irrigation at onsite park facilities. Given the uncertainty of using onsite non-potable water from sources other than the City’s municipal supply, the Draft EIR analyzed water supply impacts to the City’s municipal water system under the assumption that all non-potable water demands would be met using the municipal supply. It is further noted that in the event the applicant successfully constructs or repurposes an onsite well to provide non-potable water, all potable water demands of the project would continue to be met by the City’s municipal water system.

Response H-2: The commenter states that there is no business park only alternative addressed in the EIR. The commenter further states that the proposed project’s housing will have GHG, land use, and planning impacts. The Draft EIR includes a reasonable range of project alternatives, which are identified and analyzed in Section 5.0 of the Draft EIR. Section 5.0 does include the Existing General Plan alternative, with up to 2.14 million square feet of industrial/business park use. The range of alternatives required in an EIR is governed by a “rule of reason” that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]). The alternatives to the proposed project selected for analysis in the EIR were developed to minimize significant environmental impacts while fulfilling the basic objectives of the project. The Draft EIR includes a full and detailed analysis of all potential environmental impacts that may result from implementation of the proposed project, and a qualitative analysis of alternatives, including the Existing General Plan alternative. No changes to the Draft EIR are required.

Response H-3: The commenter states that the unintended consequences of the project will push business parks further to the periphery of the City, resulting in sprawl. It is speculative to assume that future development of business parks at the periphery of the City, if and when that may occur, would be a “consequence” of the project. Future land use decisions and development applications within the City of Davis must be reviewed for consistency with the City of Davis General Plan, and would be subject their own independent project-level review under CEQA to identify and mitigate any potentially significant impacts. The City Council has appointed the Innovation Park Task Force to evaluate opportunities for business park development, both within and outside the incorporated City limits. Determination on whether to create a business park will be made by the City Council after evaluating City-wide benefits and impacts. This comment has been noted, and no changes to the Draft EIR are required.
2.0 Comments on Draft EIR and Responses

Response H-4: The commenter states that GHGs won’t be reduced without aggressive alternative transportation options in the project. As described in greater detail in Section 2.0, the proposed project includes numerous alternative transportation components aimed at increasing bicycle, pedestrian and transit use. Additionally, as described under Impact 3.7-1, the project is required to achieve 1990 levels of GHG emissions, and each residential unit is required to reduce from a baseline of 5.5 MT CO2e to 3.1 MT CO2e (a 2.4 MT or 44% reduction per unit). As shown in Table 3.7-4 in the Draft EIR, the project must demonstrate a total reduction of 1,322 metric tons of CO2e to meet the 1990 threshold of significance. As shown in Table 3.7-5 in the Draft EIR, the project receives a credit of 218 metric tons of CO2e towards this reduction requirement, as a result of the project’s density and proximity to transit. Therefore, in order to comply with the City’s residential GHG emissions levels, the project must demonstrate a total reduction of 1,105 metric tons of CO2e for the 551 proposed residential units. Implementation of Mitigation Measure 3.7-1 would reduce this impact to a less than significant level. Mitigation Measure 3.7-1 requires the project applicant to finalize the residential GHG emissions reduction plan and submit the plan to the Department of Community Development and Sustainability for review and approval. The residential GHG reduction plan should include the measures identified in Table 3.7-6 in the Draft EIR. If alternative measures are selected for implementation, the applicant must verify, to the satisfaction of the Department of Community Development and Sustainability, that the residential GHG reduction plan will result in a total reduction of 1,105 metric tons of CO2e, or greater, when compared to the baseline level of 3,031 metric tons.

Table 3.7-6 provides an analysis of the preliminary mitigation plan to reduce GHG emissions levels from the residential component of the proposed project to a level that is below the 1990 GHG emissions threshold used in this analysis.

The analysis contained in Section 3.7 of the Draft EIR demonstrates that the project will achieve significant GHG reductions, and would comply with all locally-adopted plans and policies for reducing GHG emissions. It is also noted that the project is consistent with SACOG’s Sustainably Communities Strategy (SCS). The SCS provides the framework for regional reductions in GHG emissions across the six-county SACOG region.

Response H-5: The commenter states that the H Street Bicycle Tunnel is in bad shape, including safety and capacity issues. The commenter suggests the inclusion of mitigation measures to address safety and capacity issues at the H Street Tunnel. The commenter is referred to Master Response 2.

The commenter suggests that the project should incorporate grade separated crossings to the east and west, and include stronger travel alternatives to the automobile. However, the proposed project does not result in significant and unavoidable impacts in these regards, and no additional mitigation measures are necessary. This comment is noted and has been forwarded to the Davis Planning
2.0 Comments on Draft EIR and Responses

Commission and City Council for their consideration during their review of the proposed project.

The commenter also notes that the J Street entrance improvements are not clear. The final design improvements to the project access road from Covell Boulevard at J Street have not been finalized. This site access intersection will be reviewed and approved by the City of Davis prior to project implementation in order to ensure consistency will all applicable City standards, including standards for vehicle access, bicycle safety, and pedestrian safety.

Response H-6: The commenter notes that bicycle counts were taken in February when the weather is cold, and suggests new counts be taken in May, during warmer weather. Bicycle counts were conducted during dry weather conditions, while schools were in session. It is not anticipated that the collection of bicycle counts during the month of May would alter the conclusions contained in the Draft EIR.

Response H-7: The commenter states that project traffic will impact Covell Boulevard and J Street, which will lead to pollution from idling vehicles. As described under Impact 3.3-1, the project would generate vehicle trips that would result in increases in air pollution emissions. This impact would be significant and unavoidable. Additionally, project traffic would increase concentrations of carbon monoxide along streets providing access to the project. Carbon monoxide is a local pollutant (i.e., high concentrations are normally only found very near sources). The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations (i.e. hotspots), therefore, are usually only found near areas of high traffic volume and congestion.

The CO screening approach outlined in the Yolo-Solano Air Quality Management District’s Handbook for Assessing and Mitigating Air Quality Impacts (2007) was used to estimate whether or not the proposed project’s traffic impact would cause a potential CO hotspot. The CO screening approach uses the following screening criteria:

- Does the peak-hour Level of Service (LOS) on one or more streets or at one or more intersections in the project vicinity reduce to an unacceptable LOS (typically LOS E or F2)? or
- Will the proposed project substantially worsen an already existing peak-hour LOS F on one or more streets or at one or more intersections in the project vicinity? (Note: This includes situations where the average delay would increase by 10 seconds or more when project-generated traffic is included.)

2 The City of Davis has generally established LOS E as the significance level for intersection operations within the City. However, LOS F is acceptable in the downtown core area, and within areas with a corridor plan. A corridor plan is currently being prepared for East Covell Blvd., adjacent to the project site. As such, LOS F was used in the CO screening analysis.
2.0 Comments on Draft EIR and Responses

If the answer to the screening criteria is “yes,” then the proposed project can be said to have the potential to create a violation of the CO standard and further modeling is warranted. If the answer to the screening criteria is “no,” then the proposed project further modeling is not warranted and the proposed project would not create a violation of the CO standard.

The traffic impact analysis contained in Section 3.14 examined Level of Service (LOS) for intersections affected by the proposed project. No existing or future street or intersection is forecast to operate at an unacceptable LOS F or worse following implementation of the recommended mitigation. Additionally, as shown in Section 3.14, project traffic would not result in an increase of 10 seconds or more of average delay at any of the study intersection as a result of project-generated traffic. Since the project is within an attainment area for carbon monoxide (ambient air quality standards are currently attained) and in an area with low background concentrations, changes in carbon monoxide levels resulting from the proposed project would not result in violations of the ambient air quality standards, and would represent a less than significant impact.

The commenter also notes safety concerns on area bike routes. The commenter is referred to Master Response 2. All off-street trails within the project, public streets, Covell Boulevard and J Street improvements, and the connection under Covell Boulevard to the south will meet City design standards for slopes, width, and lighting. Additionally, bicyclists and pedestrians will make choices in routes based on time of day, weather conditions, skill levels, and comfort with a given route.

The commenter further notes a heavy traffic accident count on J Street near Covell Boulevard. City of Davis records for the three years from 1/1/2009 through 12/31/2011 show six collisions on J Street north of E. Eighth Street, three of which involved cyclists. The collision rate for this segment is 2.79 collisions per million vehicle miles traveled, compared to the citywide average of 2.30. None of these collisions were at the intersection of J and Covell. This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-8: The commenter requests that the project include additional grade separate bike crossings. This comment relates to the design of the project and not the adequacy of the Draft EIR analysis. The project will not have a significant impact associated with bicycle/vehicle conflicts, and thus grade-separated bike crossings are not required as mitigation for project-related safety impacts. The commenter is referred to Master Response 2 for an expanded discussion of the project’s connections to the offsite bicycle network, and Response H-7 regarding bicyclist safety. The commenter is also referred to Master Response 3 for additional information regarding the traffic level of service calculations in light of the proposed number of bicycle access routes to and from the site. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.
2.0 Comments on Draft EIR and Responses

**Response H-9:** The commenter requests that the project include additional grade separate bike crossings. This comment relates to the design of the project and not the adequacy of the Draft EIR analysis. The commenter is referred to Master Response 3 and Response H-4 for additional information regarding the traffic level of service calculations in light of the proposed number of bicycle access routes to and from the site and the GHG reduction measures required in the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

**Response H-10:** This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

**Response H-11:** The commenter questions a statement in the Draft EIR that concludes that the project site is not likely to be returned to an industrial use following project implementation. Implementation of the proposed project would develop a residential mixed use project on the site. The development of housing and the associated non-residential uses would likely remain on the project site for many decades, if not longer. Once the site is developed with residential mixed-uses, it is highly unlikely that the site would be returned to an industrial land use within the life of the project. No changes to the Draft EIR are required.

**Response H-12:** The commenter states that the Planning Commission needs to consider the ramifications of a new zone district for Business Park Mixed Use, and the findings for approval of the change. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

**Response H-13:** The commenter provided a narrative summary of the adjacent Covell Village project history and the challenges faced by that project owner. This comment is noted.

**Response H-14:** The commenter requests additional bike and pedestrian connectivity with Covell Boulevard. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration. The commenter is referred to Master Response 2 for an expanded discussion of bicycle connectivity.

**Response H-15:** The commenter questions why F Street, north of Covell Boulevard, was not addressed in the Draft EIR traffic study. Less than 3 percent of project-generated traffic would travel north of Covell Boulevard on F Street. It was determined by the City of Davis Public Works department and the traffic engineer who prepared the traffic analysis that analysis of these intersections was not warranted based on the small volume of traffic from the project site that would travel in this direction. No changes to the Draft EIR are required.

**Response H-16:** The commenter expressed concern that the proposed project would not mitigate its share of drainage and traffic impacts. As described in greater detail in Section 3.9, the project includes a comprehensive system of on and off-site drainage and flood control facilities, the final design of which must be approved by the City of Davis and Yolo County. The improvements identified in Section 3.9 of the Draft EIR would ensure...
2.0 Comments on Draft EIR and Responses

that all project-related drainage and flood control impacts would be reduced to a less than significant level. Section 3.14 of the Draft EIR includes a range of mitigation measures that must be implemented by the project applicant to reduce existing plus project traffic impacts and cumulative plus project traffic impacts. The implementation of these mitigation measures would reduce these impacts to a less than significant level.

The commenter also requests the benefits of combining infrastructure between the Cannery and Covell Village projects. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-17: The commenter states that if the City wants to attract business, more large lot executive housing is needed. It is noted that this suggestion would conflict with numerous project objectives related to project density and choice of housing product types to serve the needs of various population segments. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-18: The commenter summarizes housing amenities desired by seniors. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-19: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response H-20: The commenter notes existing bicycle safety issues on the off-street trail west of the railroad tracks, leading to the H Street Tunnel. This path does not provide a direct connection to the project and would not be expected to serve residents of The Cannery. This comment focuses on an existing condition, rather than an impact that would result from project implementation. The commenter is referred to Master Response 2.

Response H-21: The commenter states that the street light at F Street and Faro would need to be moved, which would cause a safety issue. The proposed project would not impact this streetlight because the Northwest EVA proposal is eliminated. The commenter is referred to Master Response 1.

Response H-22: The commenter states that the EIR should be revised to address the comments provided. All comments received on the Draft EIR have been responded to in this Final EIR, and Section 3.0 of this Final EIR includes applicable revisions to the Draft EIR. No further response is required.

Response H-23: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses


Response H-25: This comment is related to the proposed EVA. The commenter is referred to Master Response 1. The commenter also requests a definition of “modern construction” in the context of interior noise attenuation. As used in the Draft EIR noise discussion, modern construction refers to compliance with the current California Building Code (CBC). In the context of noise attenuation, the CBC requires the use of dual-pane windows, exterior wall insulation, and other construction requirements that effectively reduce noise levels in the interior of a home.

Response H-26: The commenter states that the project should include improved bike connectivity. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-27: The commenter states that the EIR did not include a multi-modal traffic analysis, and that there is inadequate discussion of impacts to bike and pedestrian facilities. A multi-modal traffic analysis was included in the EIR, and is provided in Section 3.14. These topics are addressed under Impacts 3.14-3 and 3.14-4. The commenter is also referred to Master Responses 2 and 3. No changes to the Draft EIR are required.

Response H-28: The commenter states that the EIR should include more analysis of energy issues and a requirement that all homes include solar. Pages 3.7-21 through 3.7-23 include extensive information regarding energy efficiency measures proposed by the project applicant, which are required under Mitigation Measure 3.7-1. Neither CEQA nor other applicable state law or the Municipal Code requirements mandate that all new development incorporate solar equipment as a required measure. However, in response to community comments and further analysis, the project has revised its sustainability plan to commit to include a minimum of 1.5KW of photovoltaic energy production on every detached single-family unit. The suggestion that all homes include solar provisions is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-29: The commenter states that the EIR does not address whether the project is a wasteful or inefficient use of energy. The proposed project would not constitute a wasteful or inefficient use of energy. Page 4.0-18 of the Draft EIR acknowledges that the project would result in the irretrievable commitment of resources, including fossil fuels and natural gas. However, the project would provide new housing units to meet the demands for housing in the City of Davis and the State of California. As detailed in Section 3.7, and as required by Mitigation Measure 3.7-1, the proposed project includes a wide range of energy efficiency measures and programs to reduce energy consumption and reduce the demand for natural resources. These measures include:
Residential Building Performance

The proposed homes would be built to a level that is 40% better than the 2008 Title 24 California building energy code. Based on modeling of a 1,900 ft² home and using the BEopt software³ to model energy use, estimated savings for the 40% package were estimated to be 1,710 kWh and 186 therms per year.

To estimate operational emissions from electrical consumption, the applicant’s estimate for demand was used and converted to CO₂ per year based on data from the U.S. EPA for the amount of CO₂ in pounds per kWh. Using EPA’s eGRID2007 GHG annual output emissions rate for California electric power at:

http://www.epa.gov/cleanenergy/documents/egridzips/eGRID2007V1_1_year05_GHGOutputRates.pdf

- 1,710 kWh/year for electricity savings per unit estimate.
- 0.724 lbs CO₂ per kWh per U.S. EPA for California’s annual emission rates.
- 1,710 × 0.724 = 1,238 lbs of CO₂ per unit per year.
- 1 MT = 2,204.623 lbs (to convert to metric tons)
- 1,238 lbs CO₂ per year/2204.6 lbs per MT = **0.56 MT of CO₂/year per unit** from electricity usage.

To estimate operational emissions from natural gas consumption, the applicant’s estimate for consumption was used and converted to CO₂ per year based on the amount of CO₂ in pounds per therm as reported by the U.S. Energy Information Administration for the emissions rate for natural gas combustion (11.7 lb CO₂/therm) (EIA 2011).

- 186 therms/year for natural gas savings per unit estimate.
- 11.7 lbs CO₂ per therm per EIA.
- 186 Therms × 11.7 lbs CO₂/Therm = 2,182 lbs CO₂/year.
- 2,182 lbs CO₂ per year/2204.6 lbs per MT = 0.99 MT of CO₂/year from natural gas usage.

Total GHG mitigation due to building performance is:

- 0.56 (electricity) + 0.99 (natural gas) = **1.55 MT of CO₂/year per unit** or
- 1.55 MT of CO₂/year × 551 units = **855 MT of CO₂/year total**.

---

³ BEopt software is an hourly simulation tool developed by the National Renewable Energy Laboratory (NREL) and uses the DOE-2 simulation engine. BEopt is the tool used for Department of Energy’s Building America program.
2.0 Comments on Draft EIR and Responses

LED Bi-Level Street and Path Lighting

The project is being proposed to include LED lighting with bi-level controls for all common area street and path lighting. Based on the lighting design which includes 279 fixtures, the savings are projected to be 65,559 kWh/year.

- 65,559 kWh/yr saved x 0.724 = 47,464 lbs of CO2 per unit per year.
- 47,464 lbs CO2 per year/2204.6 lbs per MT = 21.53 MT of CO2/year.

45 kW PV System for Street and Path Lighting

A PV system would be installed to offset the electrical energy consumption of all street and path lighting. The 45 kW system would generate an estimated 64,674 kWh/year.

- 64,674 kWh/yr saved x 0.724 = 46,824 lbs of CO2 per unit per year.
- 46,824 lbs CO2 per year/2204.6 lbs per MT = 21.24 MT of CO2/year.

Energy Upgrade Packages

The applicant is proposing to work with the City of Davis and Davis Energy Group to offer upgrade options on all single-family homes. These options would result in further energy reductions beyond the performance of the base homes. These packages have not been developed, but work to development of these packages is included in a Public Interest Energy Research PIER proposal that includes the City of Davis and the New Home Company (project homebuilder). Current calculations assume three upgrade packages, including a zero net electric option, which would have rooftop PV to offset the projected electrical use of the home. In response to community comments and further analysis, the project has revised its sustainability plan to commit to include a minimum of 1.5KW of photovoltaic energy production on every detached single-family unit. The current assumptions conservatively project that 10% of single family detached homes would be built with each upgrade package, resulting in a total GHG credit of 210 MT CO2e.

Response H-30: The commenter requests an analysis of grey water usage in the EIR. The use of grey water is not currently proposed by the project applicant, thus this topic was not analyzed in the Draft EIR. The Cannery project applicant has expressed a desire to use non-potable water from an onsite agricultural well for irrigation of the urban farm, and public landscape areas, including greenbelts and parks, which will reduce the average daily demand of potable water by approximately 25-30%. At the time of preparation of this Final EIR, it is not known if this non-potable water supply is feasible. Regardless of the feasibility of use of an onsite well to provide non-potable irrigation water, the project does not propose grey water for outdoor irrigation. The project also does not propose application of grey water for indoor use (i.e., toilet flushing), however all uses within The Cannery will incorporate water-efficient fixtures.
2.0 Comments on Draft EIR and Responses

and appliances. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-31: The commenter states that wood-burning fireplaces should be prohibited. The commenter is referred to Section 3.0 of this Final EIR, which includes Mitigation Measure 3.3-4, prohibiting the use of wood-burning fireplaces.

Response H-32: The commenter requests that direct farm to consumer sales be allowed in the urban farm component of the project. Direct consumer sales are proposed to be allowed by the Planned Development zoning for the urban farm area. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-33: The commenter requests that project waste streams be designed to compost food waste. The preference of Davis Waste Removal is to incorporate food waste into green waste containers when the City implements a City-wide program. Green waste from this neighborhood will be served by an existing transfer station that also serves green waste collected within the City. Green waste containers that include food waste and green waste would require service at a different transfer station that handles separation of food and green waste, because the current transfer station handles green waste-only. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-34: This comment relates to the Greenhouse Gas analysis in the Draft EIR. The commenter is referred to Master Response 4.

Response H-35: The commenter disagrees with the conclusion that the project would result in less than significant impacts to agricultural lands, and notes that lands on the northern half of the project site are designated Agricultural Land of Local Importance. This issue is addressed under Impact 3.2-1 of the Draft EIR. As described under Impact 3.2-1, the project site is not zoned or designated for agricultural uses. The project site is currently designated Industrial by the Davis General Plan Land Use Map, and is zoned Planned Development-Industrial (PD-1-00). There are no existing active agricultural operations or activities occurring on the project site. As described in greater detail of Section 2.0 of the Draft EIR, the project site was the previous home to the Hunt-Wesson Tomato Cannery, which operated from 1961 to 1999. The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

The northern half of the project site is designated as Farmland of Local Importance by the Farmland Mapping and Monitoring Program, as shown in Figure 3.2-1 of the Draft EIR. While this portion of the project site is designated as Farmland of Local Importance by the California Department of Conservation, the entire project site is identified for urban uses by the City of Davis General Plan Land Use Map. Davis General Plan Policy AG 1.1 states: “Protect agricultural land from urban development.
2.0 Comments on Draft EIR and Responses

except where the general plan land use map has designated the land for urban uses.”

As stated above, the Davis General Plan Land Use Map designates the entire project site, including the northern portion of the project site, as Industrial land, which is an urban land use. Therefore, per the policies in the Davis General Plan, the project site is not considered agricultural land that requires protection from urban development. Under Section 40A.03.025 of the Municipal Code, agricultural land mitigation is required as a condition of approval for any development project that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use. The project site is designated Industrial under the City’s General Plan, and maintains a Planned Development zoning designation. The site is not now used for agricultural uses. The current version of the Farmland Preservation Ordinance was adopted in 2007. At the time of adoption, the City Council unanimously passed a motion indicating that the project site was not required to provide mitigation for loss of agricultural land. See Minutes of July 10, 2007 City Council meeting.

Given that the project site is not irrigated, has not been recently used for agricultural purposes, and is designated for urban uses by the Davis General Plan Land Use Map, implementation of the proposed project would not result in the conversion of important farmlands to non-agricultural uses. This is considered a less than significant impact and no mitigation is required. No changes to the Draft EIR are required. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-36: The commenter states that the EIR contains no analysis of traffic impacts to the regional highway network, and that this analysis should be included. The commenter is correct that the Draft EIR does not include an analysis of project impacts on the regional highway network. As described in greater detail on Page 3.7-18 of the Draft EIR, on April 19, 2012, the Sacramento Area Council of Governments (SACOG) adopted its Sustainable Communities Strategy (SCS), as required by Senate Bill (SB) 375 as part of the concurrent update of the Metropolitan Transportation Plan (MTP). As required by SB 375, the adopted SCS promotes and encourages development in areas defined by SACOG as Transit Priority Areas (TPAs). TPAs are areas of the region within one-half mile of a major transit stop (existing or planned light rail, street car, or train station) or an existing or planned high-quality transit corridor included in the MTP/SCS.

SB 375 establishes CEQA streamlining incentives to assist and encourage residential and mixed-use housing projects consistent with the SCS, and in particular, projects within TPAs. The CEQA streamlining benefits available under SB 375 are for residential and residential mixed-use projects that are consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS. Under SB 375, an EIR prepared for a project that is consistent with the SCS is not required to reference, describe, or discuss (1) growth-
2.0 Comments on Draft EIR and Responses

inducing impacts; or (2) project specific or cumulative impacts from cars and light-duty truck trips on global climate change or the regional transportation network if the project incorporates the mitigation measures required by an applicable prior environmental document. In addition, an EIR prepared for an SCS-consistent project is not required to reference, describe, or discuss a reduced residential density alternative to address the effects of car and light-duty truck trips generated by the project, as described under Public Resources Code Section 21159.28.

As described in greater detail under Impact 3.7-2 in the Draft EIR and Response A-1, the proposed project is consistent with SACOG’s SCS, and as such, the EIR does not include an analysis of potential impacts from cars and light-duty trucks on the regional transportation network. No changes to the Draft EIR are required.

Response H-37: The commenter requests analysis of a high-tech business park alternative in the EIR. The Draft EIR includes a reasonable range of project alternatives, which are identified and analyzed in Section 5.0 of the Draft EIR. The range of alternatives required in an EIR is governed by a “rule of reason” that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6(f)). The alternatives to the proposed project selected for analysis in the EIR were developed to minimize significant environmental impacts while fulfilling the basic objectives of the project. The alternatives selected for analysis in the Draft EIR were reviewed and approved by the Davis City Council on February 1, 2012. During this hearing the City Council discussed and considered the potential of including a business-park only alternative in the Draft EIR, and ultimately provided direction to staff to proceed with the Draft EIR analysis addressing the alternatives that are presented in Section 5.0 of the Draft EIR. Section 5.0 does include the Existing General Plan alternative, with up to 2.14 million square feet of industrial/business park use. The Draft EIR includes a full and detailed analysis of all potential environmental impacts that may result from implementation of the proposed project, and a qualitative analysis of alternatives, including the Existing General Plan alternative.

Response H-38: The commenter states that the EIR should include mitigation measures requiring zero net energy. The commenter is referred to Responses G-3 and G-4. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-39: The comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response H-40: The commenter states that the project needs to address bike and pedestrian safety at Covell Boulevard. All off-street trails within the project, public streets, Covell Boulevard and J Street improvements, and the connection under Covell Boulevard to the south will be constructed in accordance with City of Davis design standards. The commenter is referred to Master Response 2. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.
2.0 Comments on Draft EIR and Responses

Response H-41: The commenter states that Objectives 12 and 13 are too broad, and questions how Objective 9 will be measured. The commenter is referred to Response E-2 in regards to Objectives 12 and 13. Objective 9 calls for the development of a unique and creative approach to sustainable neighborhood design by integrating environmental engineering and landscape architecture elements into a comprehensive neighborhood plan. The City and the applicant are not proposing a quantitative assessment of the effectiveness of Objective 9. This objective provides a broad goal of the project, which will be achieved as part of the project’s onsite stormwater detention system, which will serve as a multi-functional facility to provide flood control protection, water quality protection, open space access in the form of pedestrian trails, a visual amenity, and habitat for plant and animal species.

Response H-42: The commenter notes the differences between total unit counts in the project description. The commenter is referred to Response E-5.

Response H-43: The commenter asks what easements are needed for the Bike Path Alignment shown in Figure 2.11A. The easements required to construct the trail alignment shown on Figure 2-11A would be easements to cross the two multi-family projects south of Covell Boulevard. In response to the easement acquisition issue, as well as the proximity of the trail itself to some of the buildings/units on the multi-family sites, the applicant now favors the trail alignment shown in Figure 2-12 as Off-Site Bike Path Option 1 as the preferred alignment. The Option 1 alignment can be constructed completely within existing City right-of-way and would not require any off-site easements within privately owned lands. The easements required for this alignment would be within an existing slope easement held by the City.

Response H-44: The commenter requests assurances that the air quality and traffic analyses account for the import/export of cut and fill materials during project construction. The assumptions associated with soil import during construction activities are provided on Page 3.3-16, and were included in the URBEMIS construction air quality modeling results. Traffic associated with construction activities is addressed under Impact 3.14-6. These topics have been adequately addressed in the Draft EIR and no changes to the Draft EIR are required.

Response H-45: The commenter requests that the EIR include an analysis associated with exposure to light and glare from train lights on new residences within the Cannery site. The commenter is referred to Response E-11.

Response H-46: The commenter requests that the analysis regarding the potential for the project to indirectly result in the conversion of adjacent agricultural lands to non-agricultural uses be re-examined. Impact 3.2-3 in the Draft EIR includes an extensive and well-supported discussion of the project’s potential to result in the conversion of adjacent agricultural lands to non-agricultural uses. The impact discussion has correctly concluded that this would be a less than significant impact, based on substantial evidence. The commenter has not provided any specific aspects of this analysis that
the commenter feels may be inadequate. No additional response is required, and no changes to the Draft EIR are required.

**Response H-47:** The commenter requests an explanation as to how Mitigation Measure 3.3-2 reduces vehicle trips and emissions. Mitigation Measure 3.3-2 includes a range of measures recommended by the Yolo-Solano Air Quality Management District. It is also noted that the AQMD submitted a comment letter on the Draft EIR (Comment Letter D) which provided the AQMD’s support and concurrence with the mitigation measures included in the Draft EIR. These measures are intended to enhance alternative modes of transportation. The commenter specifically questions how the installation of street trees can reduce vehicle trips. Street trees can function to make the pedestrian environment more pleasing, which may, in turn, increase pedestrian use within an area. Street trees provide shade, and increase the visual pleasure of the pedestrian environment, which may entice more people to choose walking over single-passenger vehicle use.

**Response H-48:** The commenter asks if the urban farm may be divided in the future to facilitate roadway connections to the east of the site. This comment does not address the adequacy of the Draft EIR. However, it is noted that it is feasible that the urban farm could be divided in the future to provide a roadway connection. However, this is not proposed by the project applicant.

**Response H-49:** The commenter notes that some sections of the Draft EIR included a cumulative analysis, while some did not. The commenter is referred to Response E-1.

**Response H-50:** This comment relates to the EVA. The commenter is referred to Master Response 1, which discusses alternatives to the Northwest EVA alignment described in the Draft EIR.

**Response H-51:** The commenter asks how many units would be located in the 100-year floodplain as it is currently mapped, and what happens to the project if the conditional letter of map revision (CLOMR) is not received. It is estimated that approximately 30 housing units may be located within the area currently designated as the 100-year floodplain. As described under Impact 3.9-6, and as shown on Figure 3.9-4, a 7.5 +/- acre area, located towards the northeast corner of the project site, is currently identified by FEMA to be in a SFHA (Zone A, in this case). Zone A indicates a 100-year floodplain where base flood elevations have not been determined. The FEMA FIRM map for this area is based on preliminary analysis and large contour interval USGS topography. Formal drainage studies using more accurate topographic data and current modeling techniques must be submitted to FEMA to more accurately establish the limits of the 100-year floodplain. When such studies are submitted and approved, FEMA will concur in the determination of a base flood elevation for this project, and perhaps adjacent lands.
2.0 Comments on Draft EIR and Responses

A Flood Control Master Plan was prepared for the proposed project to more accurately establish the 100-year flood plain (Appendix L1 to the Draft EIR). A HEC-RAS analysis was used to estimate the base flood elevation for the portion of project site that is contained within the existing 100-year flood plain at a proposed water surface elevation of 38.13’ using the NGVD29 basis of elevation (datum).

The volume of water contained within the 100-year flood plain area was estimated using digital terrain modeling techniques and comparing this water surface elevation and the existing ground elevation obtained from design level topographic mapping of the project site. Based on this comparison, the volume of the flood plain covering a portion of the project site is estimated to be 15.5± acre-feet assuming the south levee of Channel A fails (4.5±acre-feet without levee failure). This is larger than the mapped FEMA 100-year floodplain.

The proposed project would include development in areas that are currently mapped and designated Zone A by FEMA. Additionally, the proposed project includes development in areas that are currently within the calculated 100-year floodplain according to modeling. As such, a storm drainage system was designed for the proposed project to accommodate stormwater runoff and to eliminate the FEMA 100-year floodplain from areas proposed for development. The storm drainage system includes a detention facility that is sized to accommodate peak flows and floodwaters. The drainage system will convey storm flows in underground drainage pipes for the design storm and overland through streets during the 100-year storm event.

Additionally, areas developed within the calculated 100-year floodplain would require fill to bring the site elevations above the modeled flood elevation. Prior to any development in areas currently mapped as Zone A, a Conditional Letter of Map Revision (CLOMR) from FEMA would be required.

As required by Mitigation Measure 3.9-5, the building pads for all onsite structures shall be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the Conditional Letter of Map Revision (CLOMR) approved by FEMA. No building permit shall be issued in the affected area until a CLOMR has been approved by FEMA, and it has been demonstrated that no building pads would be placed below 1.0 feet above the calculated local base flood elevations.


Response H-53: The commenter is referred to Response E-25.

Response H-54: The commenter asks why 2.71 people per dwelling unit was used in the wastewater generation analysis. The use of 2.71 people per dwelling unit was used in the wastewater generation analysis as instructed by Michael Mitchell, Interim Principal Engineer, City of Davis Public Works Department, in a memo dated August 1, 2012. This figure is consistent with the City’s citywide approach to wastewater planning, and
2.0 Comments on Draft EIR and Responses

is considered a conservative number that is unlikely to underestimate the wastewater generation potential of the project.


Response H-56: The commenter is referred to Response E-30.

Response H-57: The commenter requests that the MMRP identify who must implement, and when measures must be implement. This information is included in the MMRP.

Response H-58: The commenter requests analysis of neighborhood bike and pedestrian impacts. The commenter is referred to Master Responses 2 and 3. The commenter also suggests that the project should include bike path extensions on the north side of Covell Boulevard and the overpass. The project does include a multi-use trail on the north side of Covell Boulevard on the project site. Possible extension of the trail to the west and east will be considered through the Covell Boulevard Corridor Plan effort now underway. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-59: The commenter states that placing a drainage basin in a flood zone is not logical, and requests that drainage be properly analyzed. Drainage issues related to the proposed project are addressed in extensive detail in Section 3.9 of the Draft EIR. The location of the drainage basin was selected by engineers in order to provide the most logical and effective flood control system for the proposed project. The basin is located in one of the lowest points of the project site, which is the location where water will naturally flow and require detention. The commenter is referred to Section 3.9 of the Draft EIR for additional information and the quantifications and calculations supporting the analysis.

Response H-60: The commenter requests clarification regarding the amount and location of fill needed for the project site, and asks how the heights of the homes compare to the railroad tracks and drainage areas. As described on Page 3.3-16 of the Draft EIR, approximately 110,000 cubic yards of fill would need to be imported to the site during the rough grading stage of site construction. Fill would be used throughout many locations throughout the project site. In general, the tops of the homes within the project site would be above the railroad tracks and above the drainage areas.

Response H-61: The commenter requests an explanation as to how the drainage system will move water from on-site to off-site. The major drainage features proposed include a two-cell detention basin, an overflow weir to the east, an overflow berm (internally divides the forebay cell from the detention cell of the detention basin), a drainage pump station, and an interceptor ditch to capture and route drainage flows that spill out of the F Street channel onto the project site through an existing box culvert under the adjacent railroad along the west side of the project site. The operation of the detention basin and associated pump station is tightly controlled by a telemetry system that monitors the levels of detention within the basin, the operation of the
2.0 Comments on Draft EIR and Responses

Response H-62: The commenter states that Channel A, north of the site, is a source of mosquitoes and flooding and requests that Channel A be improved to maintain water in the channel. The commenter is referred to Mitigation Measure 3.8-6 which requires the project applicant to contact the Sacramento-Yolo Mosquito Vector Control District (District) to collaboratively develop and implement a site-specific mosquito control and abatement plan. The applicant shall implement BMPs contained in the District’s Mosquito Reduction Best Management Practices Handbook, as directed by District staff. The Sacramento-Yolo Mosquito and Vector Control District currently monitors Channel A and applies controls when necessary. The commenter’s request to see improvement to Channel A to maintain water in the channel has been noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-63: The commenter requests an economic impact analysis if the project opts out of the Davis/Woodland Water Project. The project is required to receive domestic water from the City of Davis municipal water system. The City of Davis is a participant in the Davis/Woodland Water Project. The project applicant is not requesting to opt out of receiving water directly from the City of Davis, which will include water from the Davis/Woodland Water Project. The commenter is referred to Response H-1 for an expanded discussion regarding the potential future use of an on-site agricultural well to provide non-potable landscape irrigation water on the project site.

Response H-64: The commenter states that GHGs could be mitigated if more non-residential uses are placed on the Cannery site, and requests more tech business development on-site. See Master Response 4 regarding Greenhouse Gas Calculations and Response to Comment H-2 regarding analysis of a business park alternative to the project. It is also noted that the Draft EIR concluded that GHG impacts were mitigated to a less than significant level following implementation of the measures identified in Section 3.7 of the Draft EIR. Given that GHG impacts would be less than significant, additional mitigation is not required. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-65: The commenter states that the project should discuss sites for non-profit and public uses and that including more activities for kids will attract tech companies to Davis. The project includes public parks and greenbelts as well as a homeowner association facility with a swimming pool. This comment does not address the adequacy of the
2.0 Comments on Draft EIR and Responses

Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration.

Response H-66: The commenter states that the use of the on-site well could lead to subsidence. The existing well located near the southwest corner of the project site (Well #33) is currently owned and operated by the City of Davis as part of the City’s municipal water supply. The use of this well is currently occurring, and would continue to occur regardless of whether or not the proposed Cannery project is developed. The potential for subsidence to occur within the City of Davis as a result of groundwater pumping from the deep water aquifer was addressed in the Final Environmental Impact Report for the Davis Well Capacity Replacement (State Clearinghouse Number 2004102043). The analysis in the well EIR concluded that impacts related to subsidence as a result of groundwater pumping would be less than significant. The EIR concluded that continued monitoring of land elevations in the Davis area by the Yolo County Subsidence Network and ongoing review of the results by the City throughout the life of the proposed project should be sufficient to determine the amount of subsidence to be expected as additional deep wells are constructed. The recommended ongoing tri-annual subsidence monitoring is adequate to determine if excessive subsidence occurs as a result of new deep well pumping. The installation of new deep wells is not proposed as part of the project. If the applicant eventually utilizes an existing on-site agricultural well to provide non-potable landscape irrigation water to the site, the total volume of groundwater pumping as a result of project implementation would not change. In other words, if the project shifted from municipal water supplies (which come from groundwater) to an onsite non-potable agricultural well, the volume of water pumped from the agricultural well would lead to a corresponding decrease in groundwater pumping from the City’s municipal supply wells.
2.0 Comments on Draft EIR and Responses

DEIR
Commissioner Millstein moved, and Commissioner Huber seconded the following motion:

The Open Space and Habitat Commission recommends the project DEIR address the following comments/questions:

<table>
<thead>
<tr>
<th>DEIR Section</th>
<th>Comment/question</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.1</td>
<td>Space should be made available in mixed-use area for goods produced on-site at the urban farm.</td>
</tr>
<tr>
<td>3.4.1</td>
<td>If Western Pond Turtle is found on-site, is there a role for California Department of Fish and Wildlife?</td>
</tr>
<tr>
<td>3.4.1</td>
<td>Timing of monitoring should be specified in tables 3.4-2 and 3.4-3.</td>
</tr>
<tr>
<td>3.4</td>
<td>Burrowing owls are found nearer to the site than noted; factually incorrect.</td>
</tr>
<tr>
<td>3.4-3 mitigation measure</td>
<td>Add provision to require a pre-construction survey in addition to the pre-grading survey.</td>
</tr>
<tr>
<td>3.4-5 mitigation measure</td>
<td>Add preference for mitigation to be located within Yolo County.</td>
</tr>
<tr>
<td>3.4-8 mitigation measure</td>
<td>Add role for City’s Wildlife Resources Specialist. Should there be a role for California Department of Fish and Wildlife?</td>
</tr>
<tr>
<td>5.2</td>
<td>Converting industrial zoned land to non-industrial zoned land for the project could create potential cumulative impacts on other land including the potential future conversion of farmland and open space.</td>
</tr>
</tbody>
</table>

Motion passed 6-0

Project
Commissioner House moved, and Commissioner Chung seconded the following motion:

The Open Space and Habitat Commission recommends the City Council incorporate the following comments into the project:

<table>
<thead>
<tr>
<th>Project component</th>
<th>Comment/question</th>
</tr>
</thead>
</table>
| Urban Farm and local food production | 1. A separate well should be established for the economic viability of the farm and to minimize conflict between farm and City park irrigation.  
2. Specifically allow vegetable production in the front yards of residential units.  
3. Consider more area for community gardens given small lot sizes; if necessary as part of or on the farm. |
| Native Plants and Wildlife | 1. Establish a native alkali sink vegetative area in NE section of the project site and connect with larger complex north of project site.  
2. Integrate planting of native plants and plants (including street trees), that attract native species throughout the neighborhood and open space elements (drainage areas, etc.).  
3. Include artificial nesting for multiple species (e.g. bats, burrowing owls, owls, birds, bees). |
Response to Letter I: Commissioners, Open space and Habitat Commission

Response I-1: The commenter states that space should be made available in the mixed-use area for goods produced on-site at the urban farm. Direct consumer sales are proposed to be allowed by the Planned Development zoning for the urban farm area. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response I-2: The commenter asks if there is a role for the California Department of Fish and Wildlife if western pond turtle is found on the project site. The western pond turtle (Emys marmorata) is a California species of special concern. The California Department of Fish and Wildlife is the State agency responsible for ensuring protection of this species. In the event that a western pond turtle is encountered on the project site, the California Department of Fish and Wildlife would be consulted as part of the efforts to relocate the turtle(s) to an alternative suitable habitat. Mitigation Measure 3.4-1 has been revised to clarify the role of the California Department of Fish and Wildlife with respect to the mitigation measure to protect this species. This change is shown in Section 3.0 of this Final EIR.

Response I-3: The commenter states that the timing of monitoring should be specified in Tables 3.4-2 and 3.4-3. Tables 3.4-2 and 3.4-3 provide a full listing of special-status plant and animal species with recorded occurrences within 10-miles of the project site. As described in Section 3.4 of the Draft EIR, most of these special-status species do not have the potential to occur on the project site. The special-status species with the potential to occur on the project site are protected through implementation of the mitigation measures presented in Section 3.4 of the Draft EIR. All of the mitigation measures presented in Section 3.4 of the Draft EIR that require monitoring in order to protect special-status species identify the applicable timing and enforcement responsibilities of the monitoring activities.

Response I-4: The commenter states burrowing owls are found nearer to the site than noted in the Draft EIR. Figure 3.4-4 in the Draft EIR depicts the location of recorded occurrences of burrowing owls within a 10-mile radius of the project site, and is based on information contained in the California Department of Fish and Wildlife’s California Natural Diversity Database (CNDDB). As described under Impact 3.4-4 in the Draft EIR, The nearest CNDDB occurrence of the burrowing owl is located approximately 0.7 mile west of the project site and offsite improvements site. Field surveys were conducted on the project site on May 20, 2011 and on August 1, 2011 and no burrowing owls of signs of burrowing owls were observed within or near the survey area. Mitigation Measure 3.4-3 requires pre-construction surveys to occur prior to any ground disturbing activities on the project site. The pre-construction surveys include surveys for burrowing owls in areas where construction activities would occur. Compliance with the avoidance and minimization measures presented in the March 7, 2012
2.0 Comments on Draft EIR and Responses

Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation would be triggered if the initial take avoidance survey results in positive owl presence on the project site where project activities will occur.

Response I-5: The commenter requests that Mitigation Measure 3.4-3 be revised to require pre-construction surveys for burrowing owls in addition to the existing requirement for burrowing owl surveys prior to ground-disturbing activities. It is noted that site grading activities would result in the elimination and/or destruction of any suitable nesting or foraging habitat for the burrowing owl on the project site, within the area proposed for disturbance. Construction activities that occur following grading activities would occur within the areas disturbed during grading. As such, construction activities (as opposed to grading activities) would not have the potential to result in impacts to burrowing owls. The implementation of Mitigation Measure 3.4-3, which requires incidental take avoidance surveys using the recommended methods described in the Detection Surveys section of the March 7, 2012 Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation” would effectively reduce potential impacts to burrowing owls to a less than significant level. The mitigation approach presented in Mitigation Measure 3.4-3 is consistent with all applicable regulatory requirements and requirements established by the California Department of Fish and Wildlife. No changes to the Draft EIR are warranted.

Response I-6: The commenter requests that a preference for mitigation for the loss of Swainson’s hawk foraging habitat be located within Yolo County. Mitigation Measure 3.4-5 requires the project proponent to pay mitigation fees or provide compensatory mitigation for Swainson’s hawk foraging habitat to the Yolo County HCP/NCCP Joint Powers Agency’s (JPA) in accordance with their Swainson’s Hawk Interim Mitigation Program, for the permanent loss of Swainson’s hawk foraging habitat. This program currently requires compensation at a 1:1 ratio, and projects with impacts over 40 acres are required to provide the conservation land directly to the Yolo County JPA, while projects with impacts that are less than 40 acres may pay mitigation fees or provide compensatory mitigation land. If the project is constructed after adoption of the Yolo Natural Heritage Program, the project proponent shall comply with all requirements of the Yolo Natural Heritage Program. The location of the compensatory mitigation land shall be determined through consultation with the Yolo County JPA. It is currently the practice and preference of the Yolo County JPA to utilize mitigation sites within Yolo County. The City of Davis does not have the final authority to determine the exact location of the compensatory mitigation lands. Therefore, no changes to this mitigation measure should be made as a result of this comment.

Response I-7: The commenter requests that Mitigation Measure 3.4-9 include a role for the City’s Wildlife Resource Specialist. As shown in Section 3.0 of this Final EIR, this mitigation measure has been revised to include a reference to the City’s Wildlife Resource Specialist. The implementation of Mitigation Measures 3.4-7 and 3.4-8 would reduce
any potential impacts to riparian habitat to a less than significant level. In the absence of significant impacts to riparian habitat, the California Department of Fish and Wildlife is not required to be involved in the implementation of monitoring of these mitigation measures.

**Response I-8:** The commenter states that converting industrial zoned land to non-industrial zoned land could create potential cumulative impacts on other land, including the potential future conversion of farmland and open space. The commenter is referred to Response H-3 regarding the speculative nature of future industrial and business park development in and around the city. The potential for the project to result in the indirect conversion of agricultural and open space lands is addressed extensively under Impact 3.2-3. Article 41.01.010 of the Davis Municipal Code provides extensive protections against the future conversion of agricultural and open space lands within the City of Davis and the City’s Planning Area, as described on Pages 3.2-15 and 3.2-16 of the Draft EIR. This topic has been thoroughly addressed in the Draft EIR, and no changes to the Draft EIR are required.
2.0 Comments on Draft EIR and Responses

Katherine Hess  
City of Davis  
Community Development and Sustainability Department  
23 Russell Boulevard  
Davis, CA 95616

April 12, 2013

Dear Ms. Hess:

Thanks for the opportunity to comment on the Cannery Draft EIR.

The analysis of the project’s operational emissions of criteria air pollutants and precursors under Impact 3.3-1 is critical given that the region is a nonattainment with respect to the State and federal AAQS for ozone, the state AAQS for PM10, and the national AAQS for PM2.5.

Mitigation Measure 3.3-1 provides no assurance that any measures would be implemented to reduce operational emissions of criteria air pollutants and precursors. It simply states “the project applicant shall incorporate green building designs into the residential and commercial components of the project to help offset area source emissions.” It then lists 11 bulleted measures that YSAQMD recommends “as potential green building measures.” I suggest that the City and its consultants evaluate exactly which measures would be feasible and effective rather than providing a list of many “potential” measures.

Many of the measures listed under Mitigation Measure 3.3-1 would indeed help make the buildings more energy-efficient; however more specifically, they would make the structures more electricity-efficient. This distinction is important because improved electricity efficiency does not equate with a reduction in on-site area-source emissions of criteria air pollutants and precursors because the electricity is being provided by power plants that are located outside of Davis and perhaps even outside the air basin. For instance, incorporating natural lighting into building design (i.e., the fourth bulleted item), or installation of energy-efficient appliances and lighting (i.e., the tenth bulleted item), could help reduce electricity consumption associated with interior lighting but it would not result in an emissions reduction.

Also, it is not clear whether “installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals” is already required by law.

Mitigation Measure 3.3-1 lacks teeth. It only requires project applicants to incorporate green building designs but does not specify which green building designs must be implemented, nor the effectiveness or level of emission reductions that would be associated with their implementation. It says that applicants must incorporate green building designs. It does not include any performance measures regarding “how much is enough” and it does not provide any discussion about which design measures would be feasible and therefore ultimately required.

The measure to “use of concrete or other non-polluting materials for parking lots instead of
Asphalt," should specify an albedo-based standard for the parking surface, and possibly for the building roof tops and other surfaces as well.

The measure to "use of photovoltaic and/or wind generators" should specify what percent of the project’s electricity demand, on a year-round basis, shall be supplied by these on-site renewable sources.

The measures listed under Mitigation Measure 3.3.1 are not comprehensive. They only include measures listed on page 29 of YSAQMD’s Handbook for Assessing and Mitigating Air Quality Impacts, which has was adopted approximately 6 years ago. I suggest that the City conduct a comprehensive review of other building design measures that would result in quantifiable reductions in area-source emissions. Additional measures that should be considered include the installation of passive rooftop water heaters and/or installation of instant hot water heaters, both of which would substantially reduce the level of on-site combustion of natural gas associated with water heating (and decreased NOx emissions).

The EIR should include detailed requirements for shading parking areas, bike parking areas, and transit stops. It should require a shade plan and specify the percentage of these areas that should be shaded within 5-10 years.

Regarding Mitigation Measure 3.3-2, which addresses mobile-source emissions of criteria air pollutants and precursors, the DEIR fails to explain which design features will be required to be implemented in order to reduce mobile-source emissions. It includes a list of "potential design measures," but fails to explain a list of required features or explain why the details cannot be determined at this time. The public should have the opportunity to review a set of selected, known emission reduction measures during the CEQA review process. The DEIR fails to provide this opportunity. Also, the measures being considered for mobile-source emissions reduction should not be limited to those recommended in a 6-year-old publication by YSAQMD.

In order to address the level of mobile-source emissions that alone exceeds YSAQMD's thresholds (i.e., g 18.98 tons/year of NOx compared to the 10 tons/year threshold [see Table 3.3-6 of the DEIR]), the EIR should provide a detailed analysis of potential neighborhood design measures that would encourage bicycling instead of NOx- and Rog-emitting motor vehicle trips. This is critical given that nearly 90% of the NOx emissions associated with the proposed project would be associated with motor vehicle trips, as shown in Table 3.3-6. In brief, the project should strive to link its intra-bike trail network to the City’s regional bike network in the following ways:

The project must provide a bike connection to the existing bike trail that runs along the east side of F Street near Faro Avenue. This will also allow cyclists to connect to the existing neighborhood to the west, the north greenbelt, and provide safe routes to Davis High School, North Davis Elementary, St. James School, Community Park, the library, Central Park, downtown, and the Cesar Chavez School. The potential emissions reductions associated with providing this single connection are potentially enormous. Fewer reductions would be achieved with a bike route connection that runs along the east side of the California Northern railroad tracks. I believe this feature will ultimately determine whether the proposed project becomes a connected part of Davis, or a suburb to the town. Providing a connection via the bike tunnel that connects J Street and H Street would not be nearly as effective. Adding more “spokes” on the east side of this bike tunnel would make it even more hazardous than it already is.
The project shall also consider a connection to the undeveloped parcel to the east, often referred to as (undeveloped) Covell Village. (Making this consideration would be consistent with the inclusion of Covell Village in the cumulative impact discussion of the transportation analysis in Section 3.14 of the DEIR.) The project should leave an easement open to allow for a connection to the Covell Village parcel should that parcel be developed some day. If not then the bike connections to future and existing neighborhoods (e.g., Wildhorse) will be forever limited. Now is the time for good planning. Our great city has done this before. Let’s do it again.

With regard to dust control measures addressed in Mitigation Measure 3.3-3, please include the same measures that were included in the Wildhorse Ranch Project Final EIR (July 2009), which includes the following:

- All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer on site a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecast to be greater than 15 mph.

Ground disturbance on windy days can cause result in both a nuisance and high localized concentrations of PM10 and PM2.5 that exceed the California and National Ambient Air Quality Standards.

Regarding the analysis in Section 3.14, Transportation and Circulation, Table 3.14-4 indicates that the morning peak-hour trip rate for single family homes is only 1.01 trips per dwelling unit. Could you please provide some explanation as to why this value is so low? I would think that most dwelling units have multiple working adults who travel to their places of employment by car during the morning peak hour. Please let me know if I’m misinterpreting this information.

Impact 3.7-3 of the DEIR discusses whether the proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Has the City of Davis GHG Reduction Plan been subject to CEQA? If not, how does the City justify tiering the project’s analysis from that plan?

Also, it does not appear that the DEIR analyzes the GHG associated with the consumption of water, the generation of wastewater and solid waste, or the additional of mobile-source GHG emissions from vehicles that are not light-duty autos such as delivery trucks (and therefore addressed by tiering from the SACOS MTP/SCS).

If any additional mitigation is needed to enhance water conservation, I suggest the City evaluate whether grey water produced by the Clubhouse could be used for irrigation.

Thanks for the opportunity to comment on the DEIR.

Sincerely,

A Concerned Davis resident
2.0 Comments on Draft EIR and Responses

Response to Letter 1: Austin Kerr, Resident of Davis

Response 1-1: The commenter states that Mitigation Measure 3.3-1 provides no assurances that any measures would be implemented to reduce operational emissions and suggests that the City evaluate exactly which measure would be feasible. The final building plans and materials to be used in building construction had not been finalized at the time this Final EIR was prepared. It is noted however, that the project applicant is proposing to develop the residential components of the project to a level that is 40% better than the 2008 Title 24 California building energy code. This will be a project condition of approval and confirmed at issuance of building permit for each structure in the project. In order to achieve this level of energy efficiency, most, if not all, of the measures listed under Mitigation Measure 3.3-1 would be incorporated into the project. Mitigation Measure 3.3-1 was derived from the Handbook for Assessing and Mitigating Air Quality Impacts (Yolo-Solano Air Quality Management District 2007), which provides a standardized approach to reducing area source emissions from new development projects within Yolo County and the City of Davis. The City of Davis and the Yolo-Solano Air Quality Management District will be involved in the review and have approval authority over the implementation of this mitigation measure, which must occur prior to the issuance of the first building permit, as specified under Mitigation Measure 3.3-1. The City and the AQMD may approve alternative air quality mitigation measures if they are equally effective or more effective than the measures specified in the Draft EIR. No changes to the Draft EIR are required.

Response 1-2: The commenter states that many of the measures listed under Mitigation Measure 3.3-1 would make the on-site buildings more efficient, but may not equate to a reduction of area source emissions associated with electricity produced outside of Davis or the air basin. The commenter is correct that project mitigation measures will not directly affect emissions associated with the generation of electricity. However, the purpose of implementing energy efficiency measures on development projects is to reduce energy demand, which will have indirect effects in this regard. Powerplants remain subject to separate emissions reduction requirements under AB 32, and it can further be expected that California’s implementation of adopted Renewable Portfolio Standards will result in a decrease in area source emissions associated with power generation. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 1-3: The commenter states that it is not clear whether the installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals is already required by law. These requirements are contained in the 2010 California Green Building Standards Code (CCR, Title 24, Part11).
2.0 Comments on Draft EIR and Responses

Response 1-4: The commenter questions the effectiveness of Mitigation Measure 3.3-1. The commenter is referred to Response 1-1.

Response 1-5: The commenter states that the use of albedo-based standards should be included in Mitigation Measure 3.3-1. Albedo, or solar reflectance, is a measure of a material's ability to reflect sunlight (including the visible, infrared, and ultraviolet wavelengths) on a scale of 0 to 1. An albedo value of 0.0 indicates that the surface absorbs all solar radiation, and a 1.0 albedo value represents total reflectivity. California Title 24 mandates cool roofing, and EPA Energy Star specifies an albedo of 0.65 or higher for low-slope roof applications and 0.25 for sloped roofs. There are no adopted standards for parking lot albedo, however, it is noted that the project will be subject to City standards for parking lot shading. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 1-6: The commenter states that the measure to use photovoltaic and/or wind generators should specify the percentages supplied by these renewables on-site. In response to community comment and further analysis, the project has revised its sustainability plan to commit to include 1.5kW of photovoltaic energy production on every detached single-family unit. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 1-7: The commenter requests the City consider additional measures to reduce area-source emissions. See Response to Comment 1-9. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 1-8: The commenter suggests that the EIR should include detailed requirements for shaded parking, bicycle and transit areas. This level of detail is not required by CEQA to be included in an EIR in order to demonstrate the effectiveness of these measures as mitigation. The project will be required to achieve adopted performance standards for GHG reduction, which will include shaded parking, as well as bicycle and transit areas. The City’s Zoning Ordinance requirement for fifty percent of the paved parking lot to be shaded with tree canopies within fifteen years of construction is enforced through the design review process. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 1-9: The commenter states that Mitigation Measure 3.3-2 fails to explain which design features will be required in order to reduce mobile-source emissions. The commenter is referred to Response 1-1. It is also noted that the majority of the design measures listed under Mitigation Measure 3.3-2 are currently proposed by the project applicant, as described in Section 2.0 of the Draft EIR. The proposed project includes an extensive network of onsite bicycle and pedestrian facilities with connections to the...
2.0 Comments on Draft EIR and Responses

existing offsite bicycle and pedestrian network. It is also noted that transit stops are located immediately south of the project site on Covell Boulevard. The proposed project is a mixed-use residential project that provides extensive opportunities for alternative transportation modes that would reduce single-passenger vehicle trips. The Yolo-Solano Air Quality Management District has reviewed the Draft EIR and, as indicated in their comment letter included in this Final EIR, concluded that the Draft EIR correctly addressed mobile source emissions and included applicable and feasible mitigation measures to reduce mobile source emissions. No changes to the Draft EIR are required.

Response 1-10: The commenter states that the EIR should include a detailed list of neighborhood design measures to encourage bicycling. This comment does not address the adequacy of the Draft EIR as an informational document; however, the project is designed to encourage and facilitate bicycling within the project as well as between the project and other areas of the City of Davis. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 1-11: The commenter provides suggestions for offsite bicycle connection improvements. This comment does not address the adequacy of the Draft EIR as an informational document; however, as described in the Draft EIR, the project will be integrated into the City’s bicycle and pedestrian network. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. The commenter is also referred to Master Responses 2 and 3.

Response 1-12: The commenter suggests that the project should include connections to the undeveloped parcel to the east (Covell Village). This comment expresses a project design preference, but does not address the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 1-13: The commenter suggests additional language be included in Mitigation Measure 3.3-3 to reduce emissions during project construction activities. The language proposed by the commenter has been added to Mitigation Measure 3.3-3, as shown in Section 3.0 of this Final EIR.

Response 1-14: The commenter questions the morning peak-hour trip rate for single-family homes shown in Table 3.14-4. The trip rates shown in Table 3.14-4 were based on the City of Davis Travel Demand Model. The City’s Travel Demand Model was developed based on population data, travel characteristics, and verified traffic patterns and volumes in the City of Davis. The Model is periodically updated and is used as the basis for traffic analyses and future roadway system planning in the City.
2.0 Comments on Draft EIR and Responses

Response 1-15: The commenter asks if the City of Davis GHG Reduction Plan has been subject to CEQA and how the City justifies tiering the project’s analysis from that plan. The Davis Climate Action and Adaption Plan (D-CAAP), is designed to place the community on a path to achieve the greenhouse gas emission reduction targets adopted by the City Council in November 2008. The targets were based on a range that uses the State of California targets as a minimum goal and deeper reductions as the desired outcome. In 2009 the City of Davis adopted a resolution establishing greenhouse gas emission thresholds, standards, and mitigation guidelines for new residential development projects. These thresholds and standards are used by the City to determine a project’s GHG emissions impacts, and for negotiating development agreements. Neither the D-CAAP nor the residential GHG thresholds were required to be subjected to CEQA review. See, e.g., CEQA Guidelines section 15308.

The Draft EIR includes a thorough and comprehensive analysis of potential greenhouse gas impacts associated with implementation of the proposed project. This analysis was conducted quantitatively under Impacts 3.7-1 and 3.7-2, and specific and detailed mitigation measures are presented that would reduce GHG emissions from the proposed project to 1990 levels, consistent with the City’s adopted thresholds. Impact 3.7-3 includes a discussion of the project’s consistency with local, regional, and statewide plans adopted for the reduction of GHGs. The GHG analysis in the Draft EIR constitutes a detailed and stand-alone analysis of potential impacts related to GHG associated with project implementation. As required by CEQA, the EIR also includes an analysis and discussion of the project’s consistency with applicable plans and policies adopted to reduce GHG emissions, including the SCS adopted by SACOG in 2012.

Response 1-16: The commenter states that the EIR’s GHG analysis does not address emissions associated with water consumption, generation of wastewater and solid waste, or emissions from vehicles that are not light-duty autos. The project would not directly generate emissions associated with water consumption and wastewater disposal. Emission associated with the activities are attributable to energy usage associated with the City’s municipal water and wastewater systems’ operations. The D-CAAP includes measures and actions that strive to reduce GHG emissions associated with water consumption and wastewater disposal, as well as GHG reduction measures associated with solid waste disposal and diversion. The City continues to implement the D-CAAP on an ongoing basis, and there are no aspects of the proposed project that would impair or inhibit the City’s ongoing implementation of the D-CAAP. GHG reductions associated with water, wastewater, and solid waste are not particularly applicable at the project level, and are being addressed at the community-level by the City through implementation of the measures and actions contained in the D-CAAP. It is further noted that the project proposes to exceed Title 24 standards by 40%, which includes measures that reduce water consumption and decrease solid waste generation. The project would be subject to all applicable waste diversion requirements, which would further assist with the reduction of GHG emissions. With
2.0 Comments on Draft EIR and Responses

respect to non-light-duty truck trips, the non-residential uses included in the proposed project are not likely to generate significant volumes of heavy truck trips. Heavy truck trips are generally associated with industrial uses and large-scale commercial uses. The Cannery proposes neighborhood-serving commercial and offices uses, which generate little to no heavy truck traffic. As such, GHG emissions from non-light-duty trucks associated with the project would be negligible, and were not specifically addressed in the Draft EIR. No changes to the Draft EIR are required.

**Response 1-17:** The commentator suggests that the City evaluate the use of grey water produced at the clubhouse for irrigation. The commentator is referred to Response H-30. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Katherine Hess

I read the informational page sent to residents – Good info -
Covers in detail about bikers & the pedestrians - But !!!
Vehicle access to the project is only East Corvall Blvd. Corvall is already
difficult for traffic going to school and work. The cars moving onto 113 back up two stop lights at peak times. I’ve seen it.
Now you add 55 more residences.!!
1 to 2 cars each -
I have no suggestions to fix the Corvall vehicle problem. And it really will be a problem -
I wish there were a better use for the Corvall property to benefit Davis.

RECEIVED

MAR 12 2013
City of Davis
Community Development
Response to Letter 2: Barbara Bacon, Resident of Davis, California

Response 2-1: The commenter notes existing traffic congestion issues on East Covell Boulevard and states that the project would contribute additional traffic to this roadway. Traffic impacts associated with project implementation are described in detail in Section 3.14 of the Draft EIR, and mitigation measures are included to reduce project-generated traffic impacts to the greatest extent feasible. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Comments on Draft EIR and Responses

Katherine Hess

From: forbbarb@netzero.net
Sent: Thursday, April 04, 2013 1:38 PM
To: Katherine Hess
Subject: EVA at F Street and Faro Avenue

Planning Commission
City of Davis
23 Russell Blvd.
Davis, CA 95616

Re: Draft EIR 3.11.4
Emergency Vehicle Access (EVA)
F Street and Faro Avenue

I have lived at the corner of F Street and Faro Avenue for 35 years. I am writing with concerns regarding the EVA at F and Faro. The Draft EIR did not investigate other possible EVA locations. There is no guarantee that Union Pacific will approve an at-grade crossing or that a quiet zone would be established. It is my understanding that the individual engineer still has the option to sound the train’s horn in a “quiet zone.” The original application to Union Pacific requested a private crossing. If this is granted, there would be no quiet zone designation. If the City of Davis will own and maintain the area leading to and from the crossing, then this would not seem to me to be a private crossing.

An EVA for a land-locked development should seldom be used, but it will significantly affect the established neighborhoods to the west of F Street and the residents of Cannery Park on a daily basis. To disturb the peaceful, quiet ambiance of our neighborhoods with an at-grade crossing is inconceivable. The EIR provides a 24-hour average decibel level for the train noise. We are more concerned with the decibel level of each passing train. Will there also be bells and flashing lights? Three large cottonwood trees and 6 smaller trees (and probably more for the construction process) will need to be removed in order to build a 24 foot bridge over the slough. These trees currently provide a buffer from some of the noise. An open area will result in louder noise as the trains clatter by and the decibel level of their horns will be piercing.

We are also concerned with the safety of an at-grade crossing at any location along F Street. The Cannery Park Development plans gates to the bridge that will be accessible only for evacuation purposes and to police and fire. There will be fencing on either side (north to south). This may sound ideal, but I am always amazed at how resourceful children and adults can be as well as their disregard for laws and even their own safety.

1. Children won’t mind back -tracking along the fence to play on that bridge and the railroad tracks. It would be a challenge and an adventure.
2. Teens at the north end of Cannery Park may find a way to use this crossing as a shortcut to the high school.
3. Adults and families may use it to access the greenbelt to the west for events held at Community Park. The cement bike path that leads to the H Street tunnel begins at F St. and Faro Ave. Teens from the North Davis area who go to and from Holmes Junior High use Faro Ave. and the bike path. The intersection is wider because of the left- hand turn lane, and there is little land between the curb and the embankment. F Street is busy with commuters and will get even more traffic when the new development is built. It may be difficult to safely realign the street crossing and the bike path.

There is a street light on the east side of F Street that would need to be moved. It currently lights the middle of our intersection. Faro is used by our neighborhood as a turning point to go to and from Woodland. The
light needs to remain in its current location. To move it 15 feet in either direction could pose traffic safety problems at night—especially when we are socked in by true fog.

In conclusion, the EIR needs revision regarding the noise level of the train horns, the safety of an at-grade crossing, the bike path and the street light at F Street and Faro Avenue. Other possible EVA alternatives that do not involve an at-grade crossing need to be investigated and submitted for review in the final EIR. The City of Davis needs to seriously consider the concerns and needs of those of us who have lived in this neighborhood for many, many years.

Sincerely,

Barbara Forbes
101 Faro Avenue
Davis, CA 95616
2.0 Comments on Draft EIR and Responses

Response to Letter 3:  Barbara Forbes, Resident of Davis, California

Response 3-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1. The issues raised by this comment are addressed in the Draft EIR. There are both Federal and State regulations that govern the sounding of train locomotive horns. Federal regulations called the Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings, 49 CFR 222 (“Horn Rule”), require that trains sound their horns as a warning to highway users at public highway-rail crossings. The Horn Rule does not require the use of horns at pedestrian crossings, but this is required under state law. California Public Utilities Code Section 7604 requires that trains sound their horns at all private and pedestrian crossings as well as public roadway crossings. The Horn Rule allows localities to establish “Quiet Zones”, which prohibits the routine sounding of horns at Quiet Zone designated rail crossings. Quiet Zones can be established for both vehicle and pedestrian crossings, and can be applicable to either private or public crossings as well. As noted under Master Response 1, the Northwest EVA has been eliminated, and the potential for train horns would no longer occur as a result of the project.

Response 3-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 3-3: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 3-4: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 3-5: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 3-6: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Shelledy@FFrench%20Family <shelledy@comcast.net>
Sent: Wednesday, March 13, 2013 3:59 PM
To: Katherine Hess
Subject: Fwd: Rail road crossing

From: barry37@sbcglobal.net
To: shelledy@comcast.net
Sent: Wednesday, March 13, 2013 3:06:12 PM
Subject: Rail road crossing

Has Southern Pacific rail been asked about a proposed crossing? I understand that the ditch beside the rail line is county property. If so, has Yolo County been asked about the proposed crossing? I also was told that someone in the development would have a key to open the gate to the emergency exit, I do not see how this would happen. If a freight train is moving up or down the track, I would assume the train would take some time before stopping
Barry McClure
El Cajon Ave

Sent from my iPad
2.0 Comments on Draft EIR and Responses

Response to Letter 4: Berry McClure, Resident of Davis, California

Response 4-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Bob Wolcott  
Sent: Wednesday, March 27, 2013 9:26 PM  
To: Katherine Hess  
Subject: FW: With attachment- For Planning Commissioners - Cannery Park  
Attachments: CP Single Story Locations.pdf; ATT00001.htm

Don’t know if you got these comments from Bill Streng.

Cheryl Essex sent them to me here.

---

From: Cheryl Essex  
Sent: Wednesday, March 27, 2013 6:56 PM  
To: Bob Wolcott  
Subject: Fwd: With attachment- For Planning Commissioners - Cannery Park

Cheryl

Begin forwarded message:

From: Lydia Delis-Schlosser <shredmama@comcast.net>  
Date: March 26, 2013, 6:49:53 PM PDT  
To: <Cheryl.essex.davis@gmail.com>  
Subject: With attachment- For Planning Commissioners - Cannery Park

March 20, 2013
To: Davis Planning Commission
From: Bill Streng, DNI, Inc
Re: Cannery Park

Chairman Rob Hoffman and Commissioners,

A few years ago our group worked on the design of a neighborhood concept that took into account the needs of Davis’ growing population of residence who are fifty-five and older.

In addition to researching what existed in Davis we learned about what type of homes people were looking for as they planned for their future. We conducted outreach meetings for three years and met with with more than 1100 Davis residents.

The following is a list of the most critical criteria when planning to downsize:
1. Stay in Davis
2. Homeownership
3. Single Story Detached
4. Neighborhood Environment
5. Livable Design Features (Eskaton program)
6. Low to moderate maintenance

5-1
2.0 Comments on Draft EIR and Responses

7. Safe and easy access to shopping

Facts:
In 2000 the senior 55+ population was 7,256
In 2010 the senior 55+ population was 11,475*
In 2011 the senior 55+ population was 11,907**

A gain of 4,651 in the last 11 years for the 55+.

The median income for Davis householders 65+ is $59,316.
Compared to Yolo County, which is $43,152, and the US, which is $33,432.

The only single family, single story, ownership housing built for seniors in Davis in the last 30 years are the 8-10 units of Glacier Circle.

If Cannery Park passes it will be the only new housing with potential to meet some of the growing senior needs for the next 15-20 years.

The planning commission has a great responsibility to advocate for housing types that will provide opportunities for all Davis residence young and old. Currently, the Cannery Park plan falls well short of meeting senior housing needs by virtue of only providing 19 lots that could have single story detached homes – most of which are very large lots not suitable nor desirable for most seniors looking to downsize. (See attached CP Single Story Locations.pdf)

The stacked flats proposed will meet the needs of some seniors, since they are of adequate size and offer a maintenance component. Unfortunately more than 50% of these are located right next to the railroad tracks...an unappealing location.

Since Cannery Park will be the only large development in Davis for several years and it has the obligation to meet the city’s underserved workforce and senior housing needs.

Suggestion: Request the New Home Group to increase their number of single story, single family detached homes and relocate the stacked flats from the railroad tracks to a more desirable location.

Circulation
The ability to get around safely should be an integral part of the land plan design. The Nugget shopping center offers many amenities for the young and old, and access across Covell to the shopping center, area schools and to the downtown, should be safe and easily accessible. Some suggestions to achieve this:

1. Safe bike/walking path along the North side of Covell and across Covell Blvd.

2. Construct a safe separated grade crossing for pedestrians and bikes across (over or under) Covell Blvd to the Nugget Shopping center. This should be done at the same time the Cannery project is built.

The preferred option to access the existing tunnel under the tracks by the Cranbrook Apartments,
as shown in the EIR has not been agreed to by the property owners.

**Traffic**

In the EIR there is no traffic analysis on F street North of Covell Blvd. With the amount of traffic that will be pushed onto Covell it could increase traffic on F street for folks heading to the other side of North Davis or up to Woodland. With more traffic on Covell it will be quicker to take the right turn heading North on F Street and then cut across on Grande, or continue north to Woodland.

This street has already been impacted by Spring Lake and Woodland since about 450 kids travel form north of town to Davis schools.

Children from the north Davis area have to cross F street to get on the bike trail that runs along the West side of Con Agra. It would be important to know what the impacts from Cannery Park will be on F street north of Covell so that we can provide the proper street crossing safety measures.

Bill Streng  
DNI, Inc
2.0 Comments on Draft EIR and Responses

Response to Letter 5: Bill Streng, DNI, Inc

Response 5-1: The commenter provides information regarding the senior population in Davis and housing preferences of seniors. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 5-2: The commenter states that the project does not meet the needs of seniors with respect to housing options. This comment expresses a project design preference, but does not address the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 5-3: The commenter states that the stacked flats will meet the needs of some seniors. This comment expresses a project design preference, but does not address the adequacy of the Draft EIR as an informational document. Noise impacts associated with the project, including the potential noise effects of trains on proposed residences in the project site, are addressed in the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 5-4: The commenter provides suggestions regarding site design and housing options within project. This comment expresses a project design preference, but does not address the adequacy of the Draft EIR as an informational document. The variety of residential product types proposed by the project will provide for the development of housing units geared toward the needs of the senior and workforce populations in the City. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 5-5: The commenter provides suggestions related to bicycle and pedestrian facilities within the project. This comment expresses a project design preference, but does not address the adequacy of the Draft EIR as an informational document. A grade-separated bicycle/pedestrian crossing is not required to as a mitigation measure for the project. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. The comment regarding the need for eminent domain is noted. The current preferred alternative is anticipated to be constructed within the existing right-of-way and easements held by the City.

Response 5-6: The commenter states that the project could result in increased traffic on F Street, north of Covell Boulevard. The commenter is referred to Response H-15.
RECEIVED
4:41 p.m.
APR 12 2013
City of Davis
Community Development

From: BJ Klosterman
2900 Pole Line Rd. Unit 4, Davis, CA 95618-0334
Call if Questions: (530) 756-3920.

To: City of Davis
Attn: Katherine Hess
Department of Community Development and Sustainability
23 Russell Blvd., Davis, CA 95616

Date: Submission date 12 April 2013

In Re: The Cannery Project Draft EIR, Public Comment

Thank you for invitation to comment.

1. Please refer to any comments provided in response to the NOP, included in the Draft EIR vol. 2. As the extent the Draft EIR has not addressed said comments, the Draft would be inadequate.

2. Under Project Goals, no effort is made to discuss the "opportunity cost", loss, of the planned development industrial site to the General Plan land use matrix, including future opportunities abandoned/lost relative to the industrial use alternative defined in chapter 5.2. This Draft EIR. This impact is not covered. Consider where is the replacement industrial site?
From: BJ Klosterman
To: K. Hess, City of Davis

RE: The Cannery Draft EIR, comments

Scenic Vistas:
Section 3.1.3 in re 3.1 City of Davis General Plan Core UD 2
(Cannery Draft pp. 3.1-4 + 3.1-5)

That a "Draft Program EIR" for General Plan Core UD 2 has not
ID'd specific "established scenic vistas" does not equate to existing
actual "scenic vistas" as described by CEQA guidelines.

Picture this: take the tapestry
that hung in the Council Chambers, the one showing the
Sunset/Sunrise kissed ag fields
with smoky-blue mountains - hills
range beyond. Now weave on
top a set of 2 to 4 story
buildings, at the back of the
fields and virtually obliterating
the view of the mountains - hills.

That's what the Cannery Project will do,
in real life: the the Scenic Vistas westward
for the residents of Green Meadows,
Greystone Apts., La Buena Vista Homeowners
Association, and guys of Wildhorse,
several hundred households. That is
a significant impact. (Turn to p. 3)
2.0 Comments on Draft EIR and Responses

From: BJ Klosterman
To: K. Hess, City of Davis

In Re: The Cannery Draft EIR, Comments

③ continued:

- Only it's worse than my tapestry example, because the Cannery will also wipe out the existing North of Cowell/East Pole Line area neighborhood views of the urban forest visually prominent between fields and coastal/Berryessa ranges.

- This is a significant impact. Minimum mitigation should include a windrow of shade trees, planted along the eastern border of the project, including along the eastern edge of what has been defined as the urban farm, with trees densely spaced, or “double thick” (2 rows parallel) to compensate for establishment failures/low maintenance losses of planted trees.

④ Water! Refer to my NoD comments please.

⑤ Air Quality COx cumulative (p. 3.3-27) Wildhorse & General Plan EIRs together point to questionable COx levels...
Comments on Draft EIR and Responses

From: BJ Klosterman
To: E. Hess, City of Davis
In Re: The Cannery Draft EIR, Comments

Continued:

at the Pole Line-Covell intersection, within the margin of error of significance,
Originally, the Wildhorse EIR project
mitigations approved by Council included
CO2/CO monitoring for this intersection,
showing concern for public health and safety.
Unfortunately, this mitigation was later
mysteriously dropped, without benefit
of public notice or input.

As there is in fact heavy
use of this intersection by bicyclists
and pedestrians, including children
who must use this route to school,
several, and low-income families
(Cerritos Terrace Apts.) without cars who
walk to/from the neighborhood
shopping center and the bus stops
at this intersection, therefore the
real issue is potential/projected CO2,
CO2 due to traffic volumes/motor vehicle
traffic at peak use periods,
not just level of service of roadway.
(For example, a road like I-80 might have
a good LOS for traffic but be bad air quality
for pedestrians to repeatedly wait and cross
on grade.) Cannery Draft EIR inadequate here.
2.0 Comments on Draft EIR and Responses

Response to Letter 6: BJ Klosterman, Resident of Davis

Response 6-1: The commenter refers to comments provided in response to the NOP and states that the Draft EIR would be inadequate if it has not addressed these comments. This comment is noted. All comments received during the NOP comment period were considered during preparation of the Draft EIR, and were addressed, as appropriate. The commenter does not reference any specific NOP comments that were not addressed in the Draft EIR in the belief of the commenter. No changes to the Draft EIR are warranted.

Response 6-2: The commenter states that the Draft EIR does not address the opportunity cost associated with the loss of the planned development site to the General Plan Land use mix. The issue raised by the commenter does not relate to a physical change or impact to the environment and is not subject to CEQA. Project objectives were developed through collaboration between City of Davis staff and the project applicant, and include a mix of land uses that integrate housing, business park, and neighborhood serving retail on a single site with public open space, and urban farm, naturalized environments and park land, in an overall design that advances “smart growth” principles. The commenter raises a planning preference that may be considered by the City of Davis. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 6-3: The commenter states that the project would result in significant impacts to scenic vistas and suggests the planting of shade trees to reduce this impact. Potential visual impacts associated with the project are addressed in detail under Impact 3.1-2 of the Draft EIR. In general, under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. While views of the project site and areas beyond the project may be considered visually pleasing, these areas do not contain unique or highly visible features that would meet the definition of a scenic vista. The proposed project includes plans for extensive landscaping and tree planting throughout the entire site, particularly along the perimeter areas of the site. The proposed landscaping and visual screening components of the project are described in greater detail on pages 3.1-6 and 3.1-7 of the Draft EIR. Landscaping and tree plantings are also depicted on Figure 2-6 of the Draft EIR, which shows extensive onsite tree planting and landscaping areas. This issue has been adequately addressed in the Draft EIR, and no additional mitigation measures are required. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 6-4: The commenter requests reference to the commenter’s NOP comments related to water. The commenter’s NOP comment stated that the project’s increased demand
2.0 Comments on Draft EIR and Responses

for water supplies may result in impacts to the existing water system and may result in supply shortages. This issue was addressed extensively in the Draft EIR, and a Water Supply Assessment was prepared for the project, which was included as Appendix F to the Draft EIR. As described in detail under Impact 3.15-2, there is adequate water supplies to meet the existing and future demand of the City of Davis, including the proposed project. As described under Impact 3.15-2, the project would result in a less than significant and less than cumulatively considerable impact related to water supplies. This comment has been fully addressed, and no changes to the Draft EIR are required.

Response 6-5: The commenter states that the Draft EIR did not adequately address cumulative impacts associated with CO levels at the intersection of Covell Boulevard and Pole Line Road. The commenter is referred to Impact 3.3-3 in the Draft EIR. As described under Impact 3.3-3 Project traffic would increase concentrations of carbon monoxide along streets providing access to the project. Carbon monoxide is a local pollutant (i.e., high concentrations are normally only found very near sources). The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations (i.e. hotspots), therefore, are usually only found near areas of high traffic volume and congestion.

The CO screening approach outlined in the Yolo-Solano Air Quality Management District’s Handbook for Assessing and Mitigating Air Quality Impacts (2007) was used to estimate whether or not the proposed project’s traffic impact would cause a potential CO hotspot. The CO screening approach uses the following screening criteria:

- Does the peak-hour Level of Service (LOS) on one or more streets or at one or more intersections in the project vicinity reduce to an unacceptable LOS (typically LOS E or F)?
- Will the proposed project substantially worsen an already existing peak-hour LOS F on one or more streets or at one or more intersections in the project vicinity? (Note: This includes situations where the average delay would increase by 10 seconds or more when project-generated traffic is included.)

If the answer to the screening criteria is “yes,” then the proposed project can be said to have the potential to create a violation of the CO standard and further modeling is warranted. If the answer to the screening criteria is “no,” then the proposed project further modeling is not warranted and the proposed project would not create a violation of the CO standard.

---

The City of Davis has generally established LOS E as the significance level for intersection operations within the City. However, LOS F is acceptable in the downtown core area, and within areas with a corridor plan. A corridor plan is currently being prepared for East Covell Blvd., adjacent to the project site. As such, LOS F was used in the CO screening analysis.
2.0 Comments on Draft EIR and Responses

The traffic impact analysis contained in Section 3.14 examined Level of Service (LOS) for intersections affected by the proposed project. No existing or future street or intersection is forecast to operate at an unacceptable LOS F or worse following implementation of the recommended mitigation. Additionally, as shown in Section 3.14, project traffic would not result in an increase of 10 seconds or more of average delay at any of the study intersection as a result of project-generated traffic. Since the project is within an attainment area for carbon monoxide (ambient air quality standards are currently attained) and in an area with low background concentrations, changes in carbon monoxide levels resulting from the proposed project would not result in violations of the ambient air quality standards, and would represent a less than significant impact. No changes to the Draft EIR are required.
Katherine Hess

From: Sue Ruebner <sue.ruebner@gmail.com>
Sent: Thursday, March 07, 2013 8:47 PM
To: Katherine Hess
Subject: re: Cannery project

Hello Katherine;

re: THE CANNERY PROJECT.

We cannot support this project because:-

1). Having entry in and out of the development ONLY on Covell Blvd. will over load Covell Blvd. even more, particularly at certain times of the day.

2). Covell Blvd. narrows down from two lanes to one going East to the freeway - another bottle neck.

3). As we all know, downtown parking is already a major problem and would undoubtedly get even worse.

We, with many others, are regular users of Covell Blvd. and would be very inconvenienced if these problems are not tackled by the Davis City Council, and the staff.

Thank you for your consideration.

Boris and Susan Ruebner.

3.7.13.
Response to Letter 7: Boris and Susan Ruebner, Residents of Davis

Response 7-1: The commenter states project traffic would overload Covell Boulevard. The commenter is referred to Section 3.14 of the Draft EIR, which includes a detailed analysis of project traffic impacts and mitigation measures to reduce project-generated traffic impacts to the extent feasible. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 7-2: The commenter states that downtown parking is already a problem and will get worse. The proposed project will not directly impact the supply or availability of parking on the downtown area. The City Council has appointed a Downtown Parking Task Force to address downtown parking on a comprehensive basis, and budgeted funds in the 2013-14 fiscal year for implementation of the Task Force recommendations. The potential for the project to result in parking impacts in offsite locations is not a topic that is subject to CEQA review. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Katherine Hess

Sent: Monday, March 04, 2013 9:38 AM
To: Katherine Hess
Subject: Cannery Project

Clearly, if any Light Industry was interested in the Cannery property, they would have come forward in the last 10 * years that it has been vacant.

I suggest that "almost ANYTHING" would be better than a big ugly block of cement, in ruin. Why don't we quit talking about "plans" for the property, and DO SOMETHING.

I am in favor of building this project......... and say finally, let's do it.........

Carol Boyer
2084 Alta Loma Street
Davis, CA 95616
Response to Letter 8: Carol Boyer, Resident of Davis

Response 8-1: The commenter expresses support for the project. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Shelledy and French Family <shelledy@comcast.net>
Sent: Wednesday, March 27, 2013 7:39 AM
To: herman.boschken@siju.edu; achoudhuri07@gmail.com; cheryl.essex.davis@gmail.com; lairfan@yahoo.com; wrhtger@aol.com; jnserell@gmail.com; gthague@comcast.net; markbraly@abcglobal.net
Cc: Katherine Hess
Subject: Comments on draft EIR - Cannery Park - rail crossing issue
Attachments: CPUC email 1.pdf; Comments on draft EIR (2).pdf

Commissioners,

I am transmitting a comment letter on the Cannery Park draft EIR, with an email attachment.

Thank you,
David Shelledy
CPUC staff has already let the developer and UPRR know that they do not believe that an at-grade crossing should be installed at that location.

Only public crossings can be considered for quiet zones. If a private crossing ends up being built, there is no provision for quieting the home there.

Dave
2.0 Comments on Draft EIR and Responses

David Shelledy  
502 Sandpiper Drive, Davis, CA 95616  

March 27, 2013

City of Davis Planning Commission  
23 Russell Blvd.  
Davis, CA 95616

Re: Draft EIR - Cannery Park

Dear Commissioners:

I write to comment on the draft Environmental Impact Report for the Cannery Park development.

The draft EIR does not adequately analyze and disclose noise and safety impacts of the proposed at-grade crossing of the railroad tracks along F Street at Faro Avenue. A crossing at that location would generate excessive noise because trains are required to blow their horns for a quarter mile before reaching the crossing from either direction. The draft EIR states the horns will measure 107 decibels at 75 feet. However, the draft EIR contains no analysis of how loud those blasts would be at the homes of thousands of Davis residents who live within blocks of F Street and within a quarter mile of the proposed crossing, in what is now a quiet neighborhood.

The developer has applied to Union Pacific for a private crossing at this location. That application is likely to be denied. As noted in the attached email from David Stewart at the California Public Utility Commission, “CPUC staff has already let the developer and [Union Pacific] know that they do not believe an at-grade crossing should be installed at that location.”

The draft EIR suggests that a “quiet zone” might be established for the proposed crossing. That is incorrect. As explained in the attached email, the CPUC does not establish quiet zones for private crossings: “If a private crossing ends up being built, there is no provision for quieting the horns there.” Thus, if Union Pacific allows the proposed, private at-grade crossing against the CPUC’s advice, noise impacts will not be mitigated.

The draft EIR also fails to analyze and disclose reasonable alternatives to the proposed crossing that would eliminate noise and safety impacts. Section 3.11 of the draft EIR concedes that noise effects from trains blowing their horns will be significant, but claims they are unavoidable. In addition, it states that the F Street
crossing “is the only viable option that would provide adequate emergency access to the site.” Draft EIR at 3.11-22. Both those statements are incorrect. There are at least three alternatives for emergency evacuation from Cannery Park that are not analyzed in the draft EIR:

1. A surface water line is being planned to run along the north side of East Covell from Cannery Park to Poleline Road. The easement acquired by the City for the water line could also support a bicycle route to Poleline Road and beyond, which could be constructed also to serve as an evacuation route in the unlikely event one is needed.

2. There is an existing service road on the south side of the Channel A drainage area to the north of the Cannery Park parcel. An evacuation route could run north from the northwest corner of Cannery Park, parallel to the Union Pacific right of way, then east along the service road to Poleline Road.

3. The ten-foot bike trail beneath the East Covell railroad overcrossing, which runs along the east side of the tracks, should be wide enough for vehicles in the unlikely event of an evacuation. The trail could be widened if necessary, either by acquiring several feet of Union Pacific’s easement, or by slightly elevating the path to allow extending it over the constructed slope on the other side.

All three alternatives would allow evacuation from Cannery Park to a street other than East Covell and would avoid adverse noise impacts and the threat to public safety posed by the proposed at-grade crossing. These alternatives should be thoroughly analyzed in the final EIR and ultimately deemed preferable to the at-grade crossing.

Thank you.

Sincerely,

/s/ David Skelley
2.0 Comments on Draft EIR and Responses

Response to Letter 9:       David Shelledy, Resident of Davis

Response 9-1:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1. The Northwest EVA is no longer proposed.

Response 9-2:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1. The Northwest EVA is no longer proposed.

Response 9-3:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1. The Northwest EVA is no longer proposed.

Response 9-4:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1. The Northwest EVA is no longer proposed.

Response 9-5:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1. The Northwest EVA is no longer proposed and an alternative EVA alignment is described under Master Response 1.
Re: The Proposed Residential Development at the Old Tomato Cannery Site (Covell and F Streets, Davis, CA)

We live in North Davis and have reviewed the proposed development for the above site. While I do not wish to comment on the particulars of the development itself, I am very concerned about the addition of a vehicular railroad crossing along F Street that is part of the proposal. Two critical issues stand out - noise and safety.

From the articles and letters I have read, it appears that trains will be required to signal their approach to the crossing by sounding their horns approximately 5 to 6 times a day (including during the nighttime hours). I understand that the Federal Railroad Administration requires that this horn be a minimum of 96 decibels to a maximum of 115 decibels in intensity at least 100 feet ahead of the train itself. According to noise level charts, 95 decibels is akin to a jackhammer at 50’. Besides obvious annoyance to both existing residents and proposed residents, this will have a negative impact on property values for the same residents. I know that given the choice, I would buy further away from any regular source of noise such as being proposed above.

Even more critical than the noise issue for this emergency crossing entrance, is the safety issue, and I am referring to pedestrians. This link to the North Davis will likely be used by pedestrians, adults and children alike. According to the St. Louis Post - Dispatch, pedestrian fatalities at U. S. railroad crossings spiked in 2012 despite a nationwide trend that saw improvements in other areas of railroad safety. In 2012, there were 442 pedestrian railroad fatalities. In 2011 this number was 405.

Ignoring the sound and related property devaluation issues and commenting strictly on pedestrian safety - is this crossing worth this kind of risk? And if the crossing is required for this development to proceed - is the development worth this kind of risk? According to the figures, this is no hypothetical problem, but a very real one.

I trust these issues will be given due consideration.

Sincerely,

Duane and Dorothy Thomson
3230 Magpie Street
Davis, CA
Response to Letter 10: Duane and Dorothy Thomson, Residents of Davis

Response 10-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 10-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 10-3: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
Katherine Hess  
City of Davis  
Department of Community Development  
23 Russell Boulevard  
Davis, CA 95616  

March 1, 2013  

RE: Cannery Project  

While I support mixed use development, I do not support the proposed General Plan Amendments without the project providing access to the West, East or North. The mixed uses will negatively impact traffic flow, with all access funneled exclusively to J and Covell. This is neither safe nor sound. Alternative ingress and egress is necessary.

Sincerely,  
Francesca Wright
Response to Letter 11: Francesca Wright, Resident of Davis

Response 11-1: The commenter states that they do not support the proposed General Plan Amendments without project access to the west, east, or north. Section 3.14 of the Draft EIR includes a detailed analysis of traffic impacts generated by the proposed project, and includes mitigation measures to reduce project-generated traffic impacts to the extent feasible. This comment expresses a project design preference, but does not address the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Hi --

The EIR refers to the "Davis GHG Thresholds and Standards for New Residential Development." I have the April 21, 2009, staff report which adopts the thresholds. Does that staff report contain everything that is supposed to be included in the standards or is there some other document that is the formal "standards"? Have these been updated by the Council since adopted?

Thank you,
Gene Wilson
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Eugene Wilson <wilson1224@gmail.com>
Sent: Tuesday, March 26, 2013 11:31 AM
To: Lucas Frericks; Joe F. Krovoza; Dan Wolk; Alan Pryor; Mitch Sears; Rochelle Swanson; Brett Lee; F. Mark Braly; Richard Bourne; Bill Dakin; Katherine Hess; Christine Granger; Ken Hiatt; Jacques DeBra
Subject: GHG Targets and Cannery EIR
Attachments: April 2009 Staff Report - Table 1.pdf; GHG Thresholds - Community Targets.pdf; April 2009 Ordinance - Thresholds.pdf

All—

There look to be problems with the way these GHG targets are being used in the Cannery EIR.

There are different sets of numbers. In November, 2008, a series of targets were adopted. The targets are for "community and city operations" so they represent the entire GHG emissions attributable to the city, its residents, and businesses—

- 2010 - 1990 levels
- 2012 - 7% below 1990 levels
- 2105 - 15% below 1990 levels
- Etc.

The November report went on to provide other numbers where were targets for both new housing projects and existing housing projects.

In April, 2009, the Council adopted thresholds for new residential projects. These thresholds were to apply from April, 2009, to December 31, 2010. They have now expired, and are based on old data.

The 2009 ordinance quantifies the reduction that larger projects would need to make. It states that using a 2010 baseline, there would need to be a 2.4 metric ton reduction in GHG emissions per residential unit. I can't make sense of how these number were achieved. It is clear that these number exclude transportation. I contacted Bill Daiken today. He's not sure of the method but he is looking into how these were reached.

Looking at the staff report from April, 2009, it states that the numbers in the ordinance came from Table 1, but Table 1 does not have these numbers in it. Table 1 is another set of numbers, which contain minimum and desired GHG reductions—

- 2012 - Minimum of 1998 level and desired of 7% below 1990
- 2020 - Minimum of 2990 level and desired of 28% below 1990

So the targets that are used for residential are not what the community set for it's overall GHG emissions trajectory. Those community wide targets.

What is particularly a problem is that these targets were plainly determined for existing and new residential. That is in the November, 2008 staff report. It is not at all clear why we should be using the same standard for new residential and for existing residential.
What's worse is that all of this is operating in a total vacuum from considerations of transportation GHG impacts. The entire Cannery EIR ignores transportation GHG impacts. As the staff report says, this is really the biggest component.

Right now, some people are working to set up a community forum on making this project net zero, and I think everyone would agree with this. We do need to tie this discussion back into these ordinances so that the problems with the ordinances are fixed in the process. The problems are these--

- Ordinance has expired and the data in it is outdated
- Much has changed since 2008 and the targets need to be reconsidered
- It does not make sense to set a threshold for new construction equal to existing housing
- There's no reason to exclude projects under 12 homes if the targets are economically feasible; we have right to expect that people will take cost-effective measures to reduce their GHG emissions because we're all impacted by them.
- It's not clear that these thresholds will achieve our climate objectives as set forth in the climate action plan
- Transportation emissions are being totally ignored in GHG analysis

Gene Wilson
530-756-6141
2.0 Comments on Draft EIR and Responses

City Council Staff Report – GHG emissions thresholds and standards for new residential development
Page 5

Davis household. The methodology behind the summary table uses peer reviewed state wide GHG emission totals broken down to the local level and factors in regional growth assumptions and foreseeable statewide initiatives designed to reduce GHG emissions (e.g. low carbon fuel standard). Using the recently adopted City GHG targets (and State targets), staff has calculated the allowances for key target years. This table forms the basis for establishing GHG emissions standards for new residential development projects. Note: this table has been updated since the November Council meeting to correct a misprint that allocated both residential and non-residential GHG emissions to each residential unit. Based on this correction, the average GHG emissions that each residential unit generates dropped from 20.25MT/unit to the current 16.6MT/unit. The remaining 3.65MT is allocated to non-residential sources and will be addressed in future actions by the City.

Table 1: Carbon Allowances

<table>
<thead>
<tr>
<th>Target year</th>
<th>Minimum/Desired</th>
<th>Target</th>
<th>Carbon allowance to meet GHG reduction target† (annual metric tonnes per dwelling unit and per person)‡</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum/Desired</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing/Base year (2010)</td>
<td>N/A</td>
<td>16.5 per unit/6.6 per person</td>
<td>0% per unit/0% per person</td>
</tr>
<tr>
<td>2012 (Min.)</td>
<td>1998 level</td>
<td>15.0 / 6.0</td>
<td>9%</td>
</tr>
<tr>
<td>2012 (Desired)</td>
<td>7% below 1990</td>
<td>8.6 / 3.4</td>
<td>48%</td>
</tr>
<tr>
<td>2020 (Min.)</td>
<td>1990 level</td>
<td>9.25 / 3.7</td>
<td>44%</td>
</tr>
<tr>
<td>2020 (Desired)</td>
<td>28% below 1990</td>
<td>6.7 / 2.7</td>
<td>59%</td>
</tr>
<tr>
<td>2030 (Min.)</td>
<td>28% below 1990</td>
<td>6.7 / 2.7</td>
<td>59%</td>
</tr>
<tr>
<td>2030 (Desired)</td>
<td>53% below 1990</td>
<td>4.35 / 1.75</td>
<td>74%</td>
</tr>
<tr>
<td>2040 (Min.)</td>
<td>53% below 1990</td>
<td>4.35 / 1.75</td>
<td>74%</td>
</tr>
<tr>
<td>2040 (Desired)</td>
<td>80% below 1990</td>
<td>1.85 / 0.75</td>
<td>89%</td>
</tr>
<tr>
<td>2050 (Min.)</td>
<td>80% below 1990</td>
<td>1.85 / 0.75</td>
<td>89%</td>
</tr>
<tr>
<td>2050 (Desired)</td>
<td>Carbon Neutral</td>
<td>Net 0</td>
<td>100%</td>
</tr>
</tbody>
</table>

** Assumes 2.5 persons/dwelling unit and an annual growth rate of 1%/yr (Source: City of Davis GHG Inventory and Forecast Report, May 2008).

Staff notes that the carbon allowances represent an average across the community. Some development projects may be more or less efficient than the average. These project specific differences are addressed as part of the GHG emission mitigation process in the form of credit for smart growth factors (e.g. project location) and project specific features (e.g. better than Title 24 home energy efficiency). It should also be noted that the calculation for new residential projects does not include GHG emissions from secondary factors such as carbon embedded in construction materials. As more sophisticated models are developed (by the City or others), the City may choose to add in additional factors that it believes are significant.

3. General standard – target year, project threshold, threshold of significance

The recommended general GHG emissions standard for new residential development projects is a phased approach that provides meaningful GHG reductions and rewards creative design that takes advantage of existing community form. The general standard includes two paths: the first
NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Davis does hereby adopt the following greenhouse gas emissions targets for the Davis community and its own city operations:

### Davis GHG Reduction Targets: Community and City Operations

<table>
<thead>
<tr>
<th>Year</th>
<th>Target Range*</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State</td>
<td>Davis**</td>
</tr>
</tbody>
</table>
Desired: Provides baseline for subsequent average annual reductions. |
| 2012   | 1998 levels         | 7% below 1990 levels                                                | Minimum: State does not establish target for this year; linear interpolation from 2010 target.  
Desired: Consistent with Kyoto – Mayors Climate Protection Agreement Pledge – City of Davis Reso. 2006. |
| 2015   | 1995 levels         | 15% below 1990 levels                                               | Minimum: State does not establish target for this year; linear interpolation from 2010 target.  
Desired: Consistent with initial ICLEI modeling conducted by the City. |
| 2015 to 2020 | Average annual reduction | Ave of 2.6% reduction/yr to achieve 80% below 1990 levels by 2040 | Minimum: State does not establish target for these years.  
Desired: Average reduction encourages monitoring of progress and some flexibility in implementation. |
| 2020   | 1990 levels         | 28% below 1990 levels                                               | Minimum: State target.  
Desired: Average reduction encourages monitoring of progress and some flexibility in implementation. |
| 2020-2040 | No formal target, but must reduce an ave. of 2.66%/yr to achieve 80% below 1990 levels by 2050 | Average of 2.6% reduction/yr to achieve 80% below 1990 levels | Minimum: State does not establish target for these years.  
Desired: Reduction level adopted by the state based on climate stabilization levels of 3-5.5 degree increase in temp. Average reduction encourages monitoring of progress and some flexibility in implementation. |
| 2050   | 80% below 1990 levels | Carbon neutral                                                      | Minimum: State target. Reduction level adopted by the state based on climate stabilization levels of 3-5.5 degree increase in temp. Average reduction encourages monitoring of progress and some flexibility in implementation.  
Desired: Combination of actions at the local, regional, national, and international levels and carbon offsets. Similar to UC system, City of Berkeley, and Norway. |

* It is anticipated that Davis will achieve reductions within the range of the state targets (minimum) and local targets (desired).

**Due to residency time of GHG gases in the atmosphere, early GHG reduction is generally more beneficial for mitigation of the most severe impacts of climate change.
WHEREAS, it is estimated that a residence built today in Davis will last more than 100 years; and

WHEREAS, in order to meet future local GHG emission reduction targets, the residences built today must perform to future standards to minimize the need for and burden of future neighborhood scale retrofits that the community currently faces with the existing housing stock; and

WHEREAS, to address the financial burden on new residential development projects, these standards will be phased in over time, credit will be given for projects which build upon the City’s existing smart growth land use and transit patterns, and innovation will be encouraged with a flexible approach to mitigation that allows project applicants to develop low cost mitigation options provided certainty in the effectiveness of the measures is maintained;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Davis does hereby adopt the following greenhouse gas emission thresholds and standards for new residential development projects for the period from adoption to December 31, 2010:

Davis GHG Reduction Thresholds and Standards: New Residential Projects

<table>
<thead>
<tr>
<th>Thresholds and Standards: 2009 to December 31, 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>New residential units</td>
</tr>
<tr>
<td>Up to 12 units (less than 5% of total units in given year)</td>
</tr>
<tr>
<td>13 to 25 units (up to 10% of total units in given year)</td>
</tr>
<tr>
<td>Greater than 26 units (greater than 10% of total units in given year)</td>
</tr>
</tbody>
</table>

Table 1 notes:
1. GHG reductions from 2010 baseline calculation of energy used in average Davis residential unit. GHG calculation excludes transportation.
2. Assume up to 250 units approved per calendar year based on City Council guidelines on residential growth.
3. In-lieu fee based on time of project approval cost of achieving 35% better than 2005 Title 24 plus $1,000/unit to fund implementation of community GHG emission reduction programs.

Project Credit Calculation

<table>
<thead>
<tr>
<th>Factor</th>
<th>GHG Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Project Density (General Plan density) – incorporates proximity to employment opportunities</td>
<td></td>
</tr>
</tbody>
</table>

04/21/2009 City Council Meeting
Katherine Hess

From: Eugene Wilson <wilson1224@gmail.com>
Sent: Thursday, March 28, 2013 3:51 PM
To: Katherine Hess; Ken Hiatt; Mitch Sears
Subject: Re: Cannery Agricultural Impacts

Katherine--

I would also suggest the EIR consultant look into why the northern part of the Cannery parcel is classified as farmland of local significance.

Farmland of local importance has soils which meet the criteria for prime or statewide, except that it is not presently irrigated. That can be simply the result of the owner electing not to irrigate.

In that case, the difference is of little consequence from a farmland preservation resource perspective.


Gene Wilson

On Wed, Mar 27, 2013 at 6:02 PM, Eugene Wilson <wilson1224@gmail.com> wrote:
Katherine--

Regarding your comment on Monday night regarding the agricultural impacts, I ran across the attached farmland impact analysis for a project now under review in Moreno Valley and took a look at Appendix G of the guidelines. You had made a distinction with respect to farmland of local importance, as opposed to prime, statewide, or unique—which are referenced in the guidelines. Section 4.2.6.2 of the attached finds a significant conversion of locally-important farmland under section II.(e) of the guidelines. The attached analysis was based on a detailed study by study by Parsons Brinckerhoff if that makes any difference. Unless there is some reason why our strong city commitment to agricultural preservation would have to be overlooked here, I would urge staff to conclude that conversion of the northern half of the Cannery parcel constitutes as significant impact under subsection II.(e) of the CEQA Guidelines. I know the city does not want to be in the position of short-changing ag preservation.

Thank you,
Gene Wilson
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Eugene Wilson <wilson1224@gmail.com>
Sent: Tuesday, April 02, 2013 10:47 AM
To: Katherine Hess; Ken Hiatl; Mitch Sears; Joe F. Kovoza; Lucas Frerichs
Subject: Re: Cannery Agricultural Impacts

Katherine & Ken--

Correction. I'm now informed that Ken is helping organize a workshop on the potential for NZE at Cannery Park, but that this workshop can't be done before April 12.

Are you planning to address the timing of this? I assume you will want to extend the deadline for comments on the EIR so that the workshop on Cannery net zero energy will be included in the comments on the draft EIR.

Otherwise, we end up with a lot of public effort and important comments in the record without any response from the developer or city staff. This makes for a bad process.

On issues of the feasibility of different technologies, the city needs to take a close look at what is feasible and what is not which includes financial data on how thing impact the project economics. Obviously, this needs to be unbiased data, but it also requires input from the developer. I'm not aware that there isn't any financial data on this so far.

Thank you,
Gene Wilson

On Tue, Apr 2, 2013 at 10:20 AM, Eugene Wilson <wilson1224@gmail.com> wrote:
Katherine--

One of the points that I've noted is the total failure of the draft EIR tonv analyze energy impacts. As you may know, analysis of energy impacts is mandatory under Appendix F, which was recently amended to make that clear. This, along with other omissions requires, recirculation. We need to insist on a competent analysis of energy issues for this project, and we've got almost nothing in the draft EIR.

Appendix F also makes it clear that energy efficiency cannot be considered just from the standpoint of initial construction costs. The analysis must also take into account savings in energy costs that will accrue to the owner or tenant over years of project operation. This is not even mentioned in the EIR.

One aspect that should be considered in the energy analysis is whether the heating and cooling systems are efficient given current state of technology. I'm attaching information from U.S. DOE on ground source heat pumps which could be installed at considerable cost savings immediately before beginning work on the foundation.

According to the DOE report, these systems pay for themselves. We have a chance here to do something fairly significant for leadership statewide on climate issues here in California. Natural gas leakage make it a huge problem for climate.

We could likely get support from industry for this and from UC Davis, which has a geothermal energy group that might help. Assembly member Das Williams passed a bill on this last session and the CEC is working on the ground source heat pump deployment issue. It has huge potential, and this is a great opportunity Davis should not pass up. This gets at the natural gas side of our GHG emissions which is a large component.
Also, I hope you are in the loop on the efforts to set up an energy charrette for the Cannery project. It’s scheduled for April 8. If your not in the loop on that, let me know.

Thank you,
Gene Wilson

On Thu, Mar 28, 2013 at 3:51 PM, Eugene Wilson <wilson1224@gmail.com> wrote:
Katherine--

I would also suggest the EIR consultant look into why the northern part of the Cannery parcel is classified as farmland of local significance.

Farmland of local importance has soils which meet the criteria for prime or statewide, except that it is not presently irrigated. That can be simply the result of the owner electing not to irrigate.

In that case, the difference is of little consequence from a farmland preservation resource perspective.


Gene Wilson

On Wed, Mar 27, 2013 at 6:02 PM, Eugene Wilson <wilson1224@gmail.com> wrote:
Katherine--

Regarding your comment on Monday night regarding the agricultural impacts, I ran across the attached farmland impact analysis for a project now under review in Moreno Valley and took a look at Appendix G of the guidelines. You had made a distinction with respect to farmland of local importance, as opposed to prime, statewide, or unique—which are referenced in the guidelines. Section 4.2.6.2 of the attached finds a significant for conversion of locally-important farmland under section II.(e) of the guidelines. The attached analysis was based on a detailed study by study by Parsons Brinckerhoff if that makes any difference. Unless there is some reason why our strong city commitment to agricultural preservation would have to be overlooked here, I would urge staff to conclude that conversion of the northern half of the Cannery parcel constitutes as significant impact under subsection II.(e) of the CEQA Guidelines. I know the city does not want to be in the position of short-changing ag preservation.

Thank you,
Gene Wilson
Guide to Geothermal Heat Pumps

Geothermal heat pumps are among the most efficient and comfortable heating and cooling technologies available because they use the earth’s natural heat to provide heating, cooling, and often, water heating.

About Geothermal Heat Pumps

While many parts of the country experience seasonal temperature extremes – from scorching heat in the summer to sub-zero cold in the winter – a few feet below the earth’s surface the ground remains a relatively constant temperature. The natural ground temperature is cooler than the natural air temperature in summer, and warmer than the natural air temperature in winter. While the margin of variation is small, seasonal changes in ground temperature give geothermal heat pumps a dependable and permanent wintertime heat source and summertime heat sink.

Geothermal heat pumps, also known as ground source heat pumps, geoxchange, water-source, earth-coupled, and earth energy heat pumps, take advantage of this resource and represent one of the most efficient and durable options on the market to heat and cool your home.

Many heating, ventilation, and air conditioning systems use some sort of heat pump for heating and cooling.

How Geothermal Heat Pumps Work

Using a heat exchanger, a geothermal heat pump can move heat from one space to another. In summer, the geothermal heat pump extracts heat from a building and transfers it to the ground for cooling. In winter, the geothermal heat pump takes natural heat from the ground and transfers it to the home or building for heating.

Installing a geothermal heat pump system can be the most cost-effective and energy-efficient home heating and cooling option. Geothermal heat pumps are a particularly good option if you are building a new home or planning a major renovation to an existing home by replacing, for example, an HVAC system.

Geothermal vs. Air-Source Heat Pumps

While geothermal heat pumps operate similarly to the far more common air-source heat pump (ASHP), geothermal heat pumps are substantially more energy-efficient than even ASHPs because they take advantage of the relatively consistent ground temperatures, which are far more uniform than air temperatures. Geothermal systems can reduce energy consumption by approximately 25% to 50% compared to air source heat pump systems. Geothermal heat pumps reach high efficiencies (300%-600%) on the coldest of winter nights.

As with any heat pump, geothermal heat pumps are able to heat, cool, and, if so equipped, supply the house with hot water. Some models of geothermal systems are available with two-speed compressors and variable fans for more comfort and energy savings. Relative to ASHPs, they are quieter, last longer, need little maintenance, and do not depend on the temperature of the outside air.
A dual-source heat pump combines an ASHP with a geothermal heat pump. These appliances simultaneously provide the consumer with a more efficient alternative to the ASHP, and a more affordable alternative to the geothermal heat pump. Dual-source heat pumps have higher efficiency ratings than air-source units, but are not as efficient as geothermal units. The main advantage of dual-source systems is that they cost much less to install than a single geothermal unit, and work almost as well.

Types of Geothermal Heat Pumps

Geothermal heat pumps come in four types of loop systems that loop the heat to or from the ground and your house. Three of these – horizontal, vertical, and pond/lake – are closed-loop systems. The fourth type of system is the open-loop option. Choosing the one that is best for your site depends on the climate, soil conditions, available land, and local installation costs at the site.

Closed-Loop Systems

• **Horizontal**: This type of installation is generally most cost-effective for residential installations, particularly for new construction where sufficient land is available. It requires trenches at least four feet deep.

• **Vertical**: This is often used for larger scale geothermal systems (such as in commercial buildings) where land is limited, or where the soil is too shallow to bury the horizontal loops in the trenches and some form of drilling into the bedrock is necessary. Vertical loops can be more expensive, but they use less land and also minimize disturbance to the existing landscape.

• **Pond/Lake**: If the site has an adequate water body, this may be the least expensive option. A supply line pipe runs underground from the building to the water and coils into circles at least eight feet under the surface to prevent freezing. The coils should only be placed in a water source that meets minimum volume, depth, and quality criteria.

Open-Loop System

This type of system uses well or surface body water as the heat exchange fluid that circulates directly through the geothermal heat pump system. Once it has circulated through the system, the water returns to the ground through the well, a recharge well, or surface discharge. This option is practical only with an adequate supply of relatively clean water, and if all local codes and regulations regarding groundwater discharge are met.

Energy-Efficient and Cost-Effective

Although installing a geothermal heat pump system is more expensive than installing an air source system of the same heating and cooling capacity, you can recoup the additional costs in energy savings in 5 to 10 years. An average geothermal heat pump system costs about $2,500 per ton of capacity. If a home requires a 3-ton unit, then it would cost about $7,500 (plus installation and drilling costs). A comparable ASHP system with air conditioning would cost about $4,000, but the energy costs could easily equate to the extra cost of installing a geothermal heat pump. Additionally, geothermal heat pump systems installed in new or existing homes by Dec. 31, 2016 are eligible for a 30% federal tax credit. See the Financial Incentives box for more information.

Geothermal heat pump systems have an average 20+ year life expectancy for the heat pump itself and 25 to 50 years for the underground infrastructure. Additionally, they move between three and five times the energy they consume between a building’s interior space and the ground.

To determine the energy efficiency of a geothermal heat pump, look for: the Energy Efficiency Ratio (EER), and the Coefficient of Performance (COP). The cooling capacity is indicated by the EER while the heating capacity is indicated by the COP. To find current ENERGY STAR requirements and ratings, please see the ENERGY STAR link below.

Further Resources

DOE Energy Savers: Geothermal Heat Pumps

www.energysavers.gov/geothermal_heat_pumps

Energy 101: Geothermal Heat Pumps

www.eere.energy.gov/multimedia/video_geothermal_heat_pumps.html

Financial Incentives

Tax credits, incentives, and rebates may be available in your area. Please visit www.energysavers.gov/taxcredits for more information.
2.0 Comments on Draft EIR and Responses

Response to Letter 12: Gene Wilson, Resident of Davis

Response 12-1: The commenter asks if the April 21, 2009 staff report regarding the Davis GHG Thresholds and Standards for New Residential Development contains the formal standards and if these standards have been updated by the City Council since they were adopted. All of the formal standards are included in the April 21, 2009 staff report. They have not been updated since they were adopted. See Master Response 4, regarding analysis of Greenhouse Gas emissions.

Response 12-2: The commenter summarizes various reports and plans that the City has adopted since 2008 to reduce GHG emissions. The commenter notes that the April 2009 new residential GHG thresholds require a 2.4 metric ton GHG reduction per residential unit. The commenter also notes that the residential GHG reduction thresholds expired on December 31, 2010. As shown in Table 3.7-4 of the Draft EIR, the proposed project is required to achieve a 2.4 metric ton GHG reduction per residential unit, as required by the City’s residential GHG reduction standards and thresholds. Since December 31, 2010, the City has not adopted new or updated thresholds for residential projects. As such, the most recently adopted and most stringent City standards for residential GHG reductions were used in the EIR analysis. See Master Response 4, regarding analysis of Greenhouse Gas emissions.

Response 12-3: The commenter discusses the reduction targets established in the 2009 residential GHG reduction thresholds. The commenter has not addressed the adequacy of the Draft EIR. The residential targets applicable to new construction were established in order to assist the City in meeting its overall all goals for GHG reduction. The GHG analysis in the Draft EIR has correctly relied upon the most recently adopted GHG reduction standards adopted in the City of Davis, and includes a detailed quantification of the project’s GHG emissions and consistency with all applicable local plans and policies related to GHG emissions.

Response 12-4: The commenter questions the use of the standards used for the GHG analysis in the EIR. The November 18, 2008 staff report referenced in the comment states that new construction is to be treated differently than existing construction for the purposes of meeting GHG reduction targets, even though the targets for both are substantially similar in terms of the level GHG reduction anticipated. The program described in the November 18, 2008 staff report for existing construction involved the use of outreach programs to educate residents on steps to reduce GHG emissions, along with incentive programs for energy efficiency upgrades and solar power. The staff report described the goal of a 2.5 metric ton GHG reduction for existing households, justifying a similar standard to be applied for both existing and new construction over the long term. The commenter is referred to Responses 12-1 through 12-3.
2.0 Comments on Draft EIR and Responses

Response 12-5: The commenter states that the Cannery EIR ignores transportation GHG impacts. The commenter is referred to Master Response 4 and Response H-36. Under SB 375, an EIR prepared for a project that is consistent with the SCS is not required to reference, describe, or discuss (1) growth-inducing impacts; or (2) project specific or cumulative impacts from cars and light-duty truck trips on global climate change. No changes to the Draft EIR are required. It is noted that the project will implement measures and design features to reduce GHG emissions from transportation sources, consistent with the applicable requirements set forth in the SCS EIR adopted by SACOG. See Section 3.7 of the Draft EIR.

Response 12-6: The commenter states that some people are working to set up a community forum related to making the Cannery Project net zero, and that existing City ordinances related to GHGs should be updated. The commenter has included several pages from the April 21, 2009 City Council staff report. The commenter is referred to Master Response 4 and Responses 12-1 through 12-5. This comment does not address the adequacy of the EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 12-7: The commenter provides narrative regarding the designation of the northern part of the project site as Farmland of Local Importance. The commenter is referred to Response H-35.

Response 12-8: The commenter references an EIR discussion in another jurisdiction related to Farmland of Local Importance. The referenced EIR analysis is not directly applicable to the proposed project. Under Section 40A.03.025 of the Municipal Code, agricultural land mitigation is required as a condition of approval for any development project that would change the general plan designation or zoning from agricultural land to nonagricultural land and for discretionary land use approvals that would change an agricultural use to a nonagricultural use. The project site is designated Industrial under the City’s General Plan, and maintains a Planned Development zoning designation. The site is not now used for agricultural uses. The current version of the Farmland Preservation Ordinance was adopted in 2007. At the time of adoption, the City Council unanimously passed a motion indicating that the project site was not required to provide mitigation for loss of agricultural land. See Minutes of July 10, 2007 City Council meeting. A detailed discussion of potential impacts related to farmland conversion, including the conversion of Farmland of Local Importance, is included under Impact 3.2-1 in the Draft EIR. The commenter is also referred to Response H-35. No changes to the Draft EIR are required.

Response 12-9: The commenter references efforts to organize a workshop on net zero energy. See Response to Comment G-4 regarding discussion of a “net-zero” requirement. This comment states a policy preference regarding GHG thresholds and emissions reductions, but does not address the Draft EIR. The project will offer a “net-zero” option package for residential construction, but does not assume that this package
2.0 Comments on Draft EIR and Responses

will be implemented universally throughout the project. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

**Response 12-10:** The commenter states that the Draft EIR does not include an analysis of energy impacts. The commenter provides supplementation information from the Department of Energy. The commenter is referred to Response H-29. The Draft EIR includes an extensive discussion of energy usage, energy efficiency, and includes extensive measures to reduce the energy consumption of the proposed project. This issue has been thoroughly addressed in Section 3.7 of the Draft EIR. No changes to the Draft EIR are required.
Hi Katherine,

This is a family of 4 speaking that live on L street and we do not want the cannery to be at that location. It will make a lot of noise and for me having to sleep late and wake up early to work in sacramento this would effect not only myself but many other people that would be sleep deprived in this side of Davis.

Not only that but I have family members that have worked in a cannery factory before and theres a lot of contamination. One of the reasons we moved to Davis was that it was so clean and such a relaxed town that we decided to move here. This cannery would change a lot of things to the negative and not enough positive would come out of this to do this to the people who have been living here for some time now and keeping this town safe and clean.

Please dont change anything...

Thank you for your time

Mr. Lopez
Response to Letter 13: Humberto Lopez, Resident of Davis

Response 13-1: The commenter expresses opposition to the use of the project site for a cannery operation and states that cannery operations can result in impacts such as noise and site contamination. The proposed project is located at the site of a former cannery plant, however, cannery operations are not proposed as part of the project. The project would include mixed use commercial uses, however, these uses would not result in site contamination issues. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Katherine Hess

From: Jeff Sherman <jsherman@ucdavis.edu>
Sent: Friday, March 01, 2013 12:34 PM
To: Katherine Hess
Cc: sheildedy@comcast.net; tsakash@davisenterprise.net
Subject: Emergency vehicle crossing at F and Faro.

Dear Ms. Hess,

We are residents of North Davis and we are concerned about the Cannery Park proposal for an emergency vehicle crossing at F and Faro. The draft EIR does not contain sufficient analysis to allow the City to make an informed decision. It appears that the crossing will produce considerable noise from train warnings. The City should modify the project to remove the railroad crossing.

Thanks for your attention,

Jeff Sherman
301 Sandpiper Dr.
Davis, CA 95616
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Jeff Sherman <jsherman@ucdavis.edu>
Sent: Tuesday, April 02, 2013 4:53 PM
To: Katherine Hess
Subject: proposed railroad crossing at F St. & Faro Ave.

Dear Ms. Stark,

I'm writing again to comment on this proposed railroad crossing. I am concerned about the noise levels associated with this crossing, which are expected to be around 96 to 100 decibels 100 feet from the train, and will occur 5 times during the day and once during the night.
That's loud and frequent!

My understanding is that, because this is a "private" crossing, there is no possibility of a "quiet zone" there. It also seems that, because this is a private crossing, the matter will not go in front of the California Public Utilities Commission. I also understand that the crossing is not even required, but was added at the request of the City of Davis Fire Dept., and that it would not be used by emergency vehicles to access the property. It seems that this crossing is only intended to be used as an evacuation route in the unlikely event that the area needs to be evacuated and Covell Blvd. is not available. The crossing is not needed to ensure adequate response times for access, nor is it required by codes or regulations, but is envisioned as an additional exit point to handle a remote "what if" scenario. Finally, I understand that there are at least 4 other alternatives besides this crossing.

I am writing you to encourage you to seek alternatives to this crossing, as it would disrupt our quiet and peaceful neighborhood.
Please alter these plans!

Sincerely,

Jeff Sherman
301 Sandpiper Dr.
Davis, CA 95616
Response to Letter 14: Jeff Sherman, Resident of Davis

Response 14-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 14-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
Hi Katherine,
I'm a 27 year resident of Davis living in East Davis and I am against the Cannery Project and am against granting either of the two General Plan Amendments that the proposed project requires.

I find it disturbing that the city is considering permitting a large residential development at the same time asking its current residents to approve a huge and very expensive water project using the argument that our current water system is not adequate. Our current water project with a few upgrades can support current needs. I suspect, and the city's consideration of this new residential development shows, that a big reason for the expensive water project is to allow increased development. New residential projects rarely pay their own way and I am not in favor of paying for a water project that will make some development company rich.

The Cannery Project is designed to exit only onto Covell and will dump a large number of vehicles onto Covell making it even more difficult for me to enter the road. Already, there are many mornings when I have to sit several minutes to try to enter west-bound Covell from L street; this new development would make that even worse. Re-design it to have the developer pay for a railway underpass or overpass exit to F-street so at least some of the traffic goes out that way.

I ask that the City of Davis keep the Cannery land zoned as it currently is (Light Industrial) or if it is to be changed zone it to be a dog park...something we need a heck of a lot more than another residential development that will degrade the quality of life and increase costs for current residents.

Thanks,
Joe Fleskes
Response to Letter 15: Joe Fleskes, Resident of Davis

Response 15-1: The commenter expresses opposition to the proposed project and to proposed water system improvements. The City Council and the voters of Davis have approved the Davis-Woodland Water Supply Project to provide water supply reliability and improve water quality. Additionally, it will improve the quality of treated wastewater discharge. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 15-2: The commenter states that the project would increase traffic on Covell Boulevard and requests the developer pay for a railway underpass. Section 3.14 of the Draft EIR includes a detailed analysis of traffic impacts generated by the proposed project, and includes mitigation measures to reduce project-generated traffic impacts to the extent feasible. Mitigation Measures 3.14-1D for the project includes a signal at the intersection of Covell Boulevard and L Street as one of the possible measures for impacts on Covell Boulevard. A railway underpass as proposed by the comment is not required as mitigation for any significant traffic, circulation or safety impact associated with the project. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Dear Davis City Council Members,

While I didn’t read the entire Draft EIR for The Cannery neighborhood, I was unable to find a detailed treatment of the impact of smoke. My suggestion is that this new development is an ideal opportunity to improve air quality with a low-smoke or smoke-free neighborhood. Compared to some older parts of Davis, the relatively high density of The Cannery will increase the detrimental effects of all kinds of smoke.

Other communities have made progress toward smoke reduction, beyond what Davis has done in recent years. I have heard that Sacramento no longer issues building permits for residential fireplaces and wood stoves. My understanding is that San Francisco for example has required an increasing fraction of residential areas to be tobacco-free, both indoors and out.

Thanks for considering the precedents and my suggestion for improving The Cannery's air quality.

Sincerely,
John Whitehead
3322 Biscayne Bay Pl
Davis, CA 95616
530-758-8115
jcw@dcn.org
Response to Letter 16: John Whitehead, Resident of Davis

Response 16-1: The commenter states that he did not read the entire Draft EIR and was unable to find a discussion of smoke. The commenter is referred to Section 3.0 of this Final EIR, which includes Mitigation Measure 3.3-2. This new measure prohibits wood-burning fireplaces in the project. The issue of personal tobacco use is an environmental issue not subject to CEQA and is thus not addressed in the Draft EIR. As is the case elsewhere, tobacco use will continue to be governed by ordinances and other legal requirements generally applicable City- and statewide. No changes to the Draft EIR are required. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Dear Ms. Hess,

I have just now finished reading the chapter of the Cannery Project EIR on Noise (3.11). It is clear that the City of Davis cannot guarantee that a Quiet Zone could be established as that designation is up to another--Federal--authority. I see that as a major problem for existing residents who live near the proposed EVA at F and Faro, as well as a major problem for the new residents of the Cannery project. Is the developer planning on hiding the noise issue from potential buyers?

I live at 105 El Cajon Ave., directly behind Morley and Lorell Hardaker, who live at the corner of F and Faro. Our neighborhood will surely be impacted by the increased noise of the train horns. Why on earth would the city approve of significantly increased noise levels for both established residents and new residents? I do not understand.

For safety reasons as well, I would like the city and the project developers to consider relocating the EVA away from the train. I do not agree with the EIR statement that the current EVA location is unavoidable. I strongly believe that the City and the project planners are underestimating how quickly the EVA will become the shortest route between destinations for the hundreds of students commuting by bicycle to schools, the Library, Community Parks, to their own residences and to the residences of friends. Do you really think cyclists and pedestrians from North Davis will take the longer bike path to the Cannery neighborhood rather than cross the tracks (and vice versa)? Looking at the map provided, the EVA path looks very enticing as a short cut. Please move the EVA away from the train. In its current location, you are proposing very avoidable tragedies.

Sincerely,

Kathleen Higgins

On Fri, Mar 8, 2013 at 8:52 AM, Katherine Hess <KHess@cityofdavis.org> wrote:

Kathleen, I just checked, and the link worked with both Chrome and IE. I'm thinking that you got the link to work because you submitted a comment email. If you still need access, I can email you the huge file, or you can check out a paper copy or get a CD here at City Hall.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Kathleen Higgins <hhkathleenj@gmail.com>
Sent: Wednesday, March 06, 2013 9:50 AM
To: Katherine Hess
Subject: Re: Cannery Park train noise

I inadvertently wrote “West” side of the project when, Of course, I meant East. The needed emergency access should be placed on the East or North side of the development. Kathleen Higgins

On Mon, Mar 4, 2013 at 2:32 PM, Kathleen Higgins <hhkathleenj@gmail.com> wrote:
Katherine Hess, City of Davis:

I am a resident at 105 El Cajon Ave. in Davis and am concerned about noise from trains which would arise from adding a grade crossing near Faro on F St.

I would appreciate all efforts made to avoid train whistles blowing on a regular basis to alert vehicles on that proposed grade crossing.

I understand the need for an emergency access point to the development, and I urge you to put one on the West side of the project and not near the train. Children, pedestrians, and cyclists will inevitably use the grade crossing on F St. to connect to other bike paths and neighborhoods and someone is likely to be killed doing so.

If it's too expensive to build a tunnel under, or a bridge over the tracks-- then the safest solution is to move the emergency access point away from the train.

Sincerely, Kathleen
Response to Letter 17: Katherine Higgins, Resident of Davis

Response 17-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 17-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 17-3: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
Katherine Hess

From: Kathy <klorenzato@sbcglobal.net>
Sent: Monday, March 11, 2013 12:31 PM
To: Katherine Hess
Subject: cannery eir

Hi,
I noticed in the newspaper the fear of potential noise from train whistles for people who would be living near the train tracks if the cannery is developed. I lived on Guymas Place for 11 years with our side fence on F Street, right across the street from the train tracks, and can tell you, the whistles are not the problem. I don't remember a single whistle. Our master bedroom was right on F Street, and the biggest problem came in the wee hours of the morning when the freight trains squealed to a stop, which takes a really long time to stop a multi-car freight train. I'm not sure why the trains stopped there most of the middle of the nights, but it sounded like they were decoupling. I imagined this because after the long squealing sounds finally stopped, there were banging around sounds, and then, just as I'd be falling asleep again, the train would start up. I know this because it takes a lot of wheels banging and grinding on tracks to get the cars rolling again. It was like a comedy routine, except humorless because it was the middle of the night. Honestly, whistles were not the problem!

I am a light sleeper and this woke me up constantly. Ironically, my husband slept through the trains, but would wake up if a car drove past. We ended up sleeping in the other half of the house - 4 of us in two small rooms, and no one in the master bedroom. Although we loved living near the greenbelt and we had a great backyard, we feared that the Cannery area would eventually be developed, with increasing traffic noise levels and dirt and dust being stirred up. That's why we moved.

Good luck with this!
Kathy Lorenzato
1191 Kent Drive
Response to Letter 18: Kathy Lorenzato, Resident of Davis

Response 18-1: This comment is related to noise associated with trains and rail operations. The comment does not raise any issue concerning the adequacy of the Draft EIR as an informational document. The Draft EIR includes a detailed analysis of the potential for existing rail operations to affect future land uses within the project site. This comment has been forwarded to the City Council for their consideration during review of the proposed project.
To Katherine Hess

One further note on the under crossing: this could also be a bit further to the north, between Anderson and Grande, going under the tracks and F Street, connecting to the Northstar Park.

Best wishes,
Keith

On Mar 7, 2013, at 10:51 PM, Keith Redenbaugh wrote:

> To Katherine Hess,
> 
> This appears to be a very good plan, which I support. There are two components I would like further addressed:
> 
> 1) There is no railroad tracks under crossing for bicycles connecting the project to the city north of Covell Blvd. An under crossing would be highly desirable to provide an additional, safe way for bicyclists to cross (under) the tracks and to link to the stoplight at J Street. North Davis students and others could safely ride to East Davis through this under crossing just as they do for the H Street under crossing. Similarly, the residents of The Cannery would also have this route for safely going under the tracks to reach the green belts of North Davis. Otherwise, it is likely bikes will simply cross the tracks. An under crossing like the one at H Street could readily fit at the site. Please ensure such a crossing is added to the project.

> 2) Grade crossings are not practical because of the train whistles that will disturb North Davis residents.

> Thank you.
> Keith Redenbaugh
> 437 Grande Avenue
> Davis, CA 95616
2.0 Comments on Draft EIR and Responses

Response to Letter 19: Keith Redenbaugh, Resident of Davis

Response 19-1: The commenter provides design suggestions related to bicycle connectivity. This comment does not address the adequacy of the EIR. It is noted that the western boundary of the Cannery site would be fenced in order to prohibit bikes and pedestrians from crossing the railroad tracks west of the site. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 19-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
Hi Ms. Hess:
My name is Kim Beck. I live in the north Davis area and am very concerned about the Cannery park potential emergency vehicle crossing at F and Faro. The noise factor is my greatest concern. I would not support such a plan.

Thank you for your time,
Kim Beck
Response to Letter 20: Kim Beck, Resident of Davis

Response 20-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
March 8, 2013

Katherine Hess
Community Development Administrator
City of Davis
23 Russell Boulevard
Davis, CA. 95616

Re: Cannery Park DEIR

Dear Ms. Hess,

This writing is directed at the transportation element of the DEIR associated with the pending Cannery project. I am a resident of Davis, and operate a business in the Davisville Professional Center complex on Kennedy Place. Presently I make at least two round-trips along J Street, and I regularly patronize merchants in the Oak Tree Plaza neighborhood center. I am generally favorable to well planned growth. Within this context, I offer the following comments:

The DEIR traffic studies seem inadequate as to the real impact of traffic along J Street, at project completion. This will be the main arterial for traffic to Holmes Jr. High, and it will, in my view, be the route of choice for Cannery occupants to any downtown outlet. Presently, J Street has three issues: First, the mis-aligned intersection at Cranbrook/Kennedy and J Street creates a traffic hazard in its present configuration. This will worsen with additional trips along J Street. While marginally acceptable presently, I believe that the city has a duty to consider impacts directly attributed to the proposed Cannery project. As a part of project approval, this should be considered. Second, the intersection at Drexel and J is particularly difficult directly before school starts and directly afterward. That intersection is used by judgment challenged youth. If you add significantly to the N/S traffic, you ask for trouble without considering this issue. Third, there is inadequate visibility at J and East 8th. The island at the south side of that intersection (where the cell system was recently installed) needs to be re-considered, particularly if you add to the J Street traffic load.

Ingress and egress to the Oak Tree Plaza is currently highly problematic, particularly with the left turn (west onto Covell) from the middle driveway. "Impact 3.14-1 at intersection (#20) (Significant and Unavoidable)" must be reconsidered. This may result in significant additional project costs, but the variety of choices is unacceptable. The solution may include a re-work of the L Street intersection, or perhaps other reconfiguration, but please do not overlook this issue going forward.

It is my hope that the Covell Village project eventually gets approved. Planning for the Cannery project should include adequate infrastructure for a proposed adjacent development. This should include interior roadways that would link the two. Perhaps this
includes a planned easterly extension of the Loop C (North) roadway, and certainly, a conjoining of other backbone infrastructure. It would seem wise to think of Loop C (North) as a part of an east-west street that might run from Pole Line at an extension of Moore Boulevard all the way to F Street. This would certainly take local traffic off of Covell Boulevard near what will likely be a major commercial corner at Pole Line Road.

There is confusion as to the amount of retail space to be included in the project at completion. The city likes retail uses because of their impact on revenue. The project team pondered 78,667 square feet of retail space within the DEIR, plus an additional 157,333 square feet of flex/office space. I wonder if the DEIR really considers the traffic impacts of a proposed, but undetermined amount of retail space within the highly confined space associated with the project.

Total project ingress/egress seems problematic to me. As illustrative, the Wildhorse project is on a site much larger than the proposed Cannery project, with much lower density. City-Data estimates the Wildhorse population at 769 people. At a conservative 2.2 per household, the Cannery will add space for ~1,200 people, plus the impact of commercial uses. Wildhorse has two access parkways; Wright Boulevard off of Covell, and Moore Boulevard off of Pole Line Road. This Cannery project, as envisioned, expects to serve nearly twice the population with essentially a single entry point. In conjunction with the added noise of train whistles at the proposed emergency access from F Street, perhaps a condition of project approval has a re-design to include public ingress/egress from F Street. Of course, this would add to project costs, and it will be met with developer resistance. I encourage you to plan a great project, not just one that meets the developer’s profit expectations. Perhaps planning and paying for a great project just happens to be the cost associated with being the last scaled development in town.

Katherine, I thank you for your years of consistent service to the community of Davis, and appreciate your skill in this project’s planning.

Regards,

[Signature]

Lee Bartholomew

1105 Kennedy Place, Suite 9, Davis, CA 95616 ~ Phone (530) 750-1001 ~ www.bartholomewassociates.com

Response 21-1: The commenter states that the project would contribute to existing traffic problems along J Street. The commenter notes several existing safety concerns along the J Street corridor. Section 3.14 of the Draft EIR includes a detailed analysis of traffic impacts associated with the proposed project, including impacts to the following intersections along the J Street corridor: Covell Boulevard/J Street, Drexel Drive/J Street, and 8th Street/J Street. As described under Impact 3.14-1, the addition of project-generated traffic would not result in unacceptable levels of service at any of the study intersections along the J Street corridor under Existing Plus Project conditions. As described under Impact 3.14-2, under Cumulative Plus Project conditions, project-generated traffic would result in the signal warrant being met at the intersection of 8th Street and J Street. Mitigation Measure 3.14-2 requires the installation of a traffic signal with a dedicated westbound left-turn pocket at this intersection, which would reduce levels of service under Cumulative Plus Project conditions to a less than significant level. This improvement is also identified in the City’s Capital Improvement Program. The Draft EIR includes a thorough and detailed analysis of the project’s potential traffic impacts, and includes mitigation measures to reduce project-related traffic impacts to a less than significant level. The commenter has provided suggestions to improve design and safety characteristics of existing intersections that the commenter believes are already experiencing safety concerns. The project’s payment of all applicant traffic impact mitigation fees and fair-share payments towards roadway improvements identified in the Draft EIR would reduce the project’s contribution to safety impacts at existing intersections to a less than significant level. With specific reference to the intersection of J Street and Drexel Drive, the City will be constructing improvements, including a “bicycle boulevard” on J Street, during summer/fall 2013 to improve safety and comfort for cyclists. The commenter’s concerns over existing safety concerns on the City’s roadway network in the vicinity of the project site have been noted and have been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 21-2: The commenter states that the mitigation choices presented to reduce traffic impacts at the intersection of Oak Tree Plaza Driveway and Covell Boulevard are unacceptable, and suggests alternative intersection improvements. Impacts to this intersection are addressed under Impact 3.14-1 in the Draft EIR. The implementation of either Mitigation Measure 3.14-1A, 3.14-1B, 3.14-1C, or 3.14-1F would reduce impacts at this intersection to a less than significant level. As part of the project approval process, the Davis City Council shall select the preferred intersection improvement solution. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
2.0 Comments on Draft EIR and Responses

**Response 21-3:** The commenter suggests that the proposed project should include infrastructure to coordinate with and support the future development of the adjacent site (Covell Village). Presently this site is agricultural land under the jurisdiction of the County of Yolo. This comment expresses a project design preference, but does not raise any concerns regarding the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

**Response 21-4:** The commenter notes the amount of retail space and flex/office space proposed by the Cannery project, and questions whether the Draft EIR considers the traffic impacts of the proposed retail space. The Draft EIR fully considers the traffic impacts of the proposed retail space associated with the project. Table 3.14-4 in the Draft EIR identifies the trip generation associated with the proposed retail space on the project site. This issue has been fully and adequately addressed in the Draft EIR.

**Response 21-5:** The commenter suggests changes to the proposed project access points and suggests alternative access points. This comment expresses a project design preference, but does not raise any concerns regarding the adequacy of the Draft EIR as an informational document. The comment proposes full project access from F Street (versus a proposed limited access EVA), but it can be expected that full access to the project site at this location via an at-grade crossing would substantially increase noise and safety concerns that other commenters have raised with respect to the EVA. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Shelledy%2FFrench%20Family <shelledy@comcast.net>
Sent: Wednesday, March 13, 2013 3:59 PM
To: Katherine Hess
Subject: Fwd: Cannery project

From: "Elizabeth Reay" <ereay@cahfs.ucdavis.edu>
To: "shelledy@comcast.net" <shelledy@comcast.net>
Sent: Wednesday, March 13, 2013 11:43:15 AM
Subject: Cannery project

Hi Mary;

The trains are already blowing their horns when they get near the Covell overcrossing. So it will be a bit more continuous horn blowing along this section. That begin said, my concern about the noise from the train horns is that it will be louder than usual. The trees along either side of the drainage ditch at the Faro location have been buffering the horn blowing for our neighborhood, and these trees will be torn down to make room for the crossing, creating a gap in the tree buffer and thus increasing the level of the noise.

My other concern is that this "emergency crossing" is being placed at Faro which is NOT a through street and that the crossing will at some point become a permanent entrance/crossing into the subdivision for cars when trains are not there. This, I believe will create a log jam of cars seeking to get in and out of the subdivision via that "emergency crossing”. I feel that it is far more efficient to have this crossing located at Anderson. I also realize that this location could put the crossing somewhere into the more upscale area of the subdivision, and that might hurt property values, hence putting it at Faro.

I am also concerned at HOW they are building the crossing. Is there going to be a small bridge over the creek/drainage ditch?

Liz Reay
205 El Cajon Ave
Davis

---

22-1
22-2
22-3
Response to Letter 22:  Liz Reay, Resident of Davis

Response 22-1:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 22-2:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 22-3:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Lorell Hardaker <lorell@pacbell.net>
Sent: Sunday, March 03, 2013 6:31 PM
To: Katherine Hess; shelliedy@comcast.net; tsakash@daviserprise.net
Subject: mistake e-mail - F and Faro at-grade crossing

Dear Katherine Hess, others copied for this e-mail. You received a similar e-mail from me but unfortunately it was sent from Grace in Action's e-mail address because I am Treasurer and administrator and didn't realize that address was up as I was typing. Please do not respond to that e-mail but instead use the e-mail address above- lorell@pacbell.net.
Thank you. The e-mail to you is below.
Lorell Hardaker

------- Original Message -------
Subject: F and Faro at-grade crossing
Date: Sun, 03 Mar 2013 18:26:10 -0800
From: Grace In Action <office@grace-in-action.org>
To: khess@cityofdavis.org, shelliedy@comcast.net, tsakash@daviserprise.net

To Katherine Hess, City of Davis,

We are residents at the corner of F Street and Faro Avenue. We have lived here for over 40 years. We are very concerned about the Cannery Park proposal for an emergency vehicle crossing at F and Faro. The project must be modified to remove the at-grade railroad crossing.

Other options need to be explored and put in place for emergency access for the project. Having an at-grade crossing opposite our home will result in a very significant amount of noise from the required horn blowing by trains 1/4 mile before reaching the crossing in either direction at 96-110 decibels 100 feet in front of the train (or about 93 decibels 75 feet from the tracks). The trains do pass our home about 5 times a day and at least once at night, sometimes more during the harvest season. The potential required horn blowing is a very significant amount of noise that will be imposed on our quiet neighborhood when other emergency access can be built into the project that will not result in crossing the railroad tracks. And, of course, we have to wonder what will stop non-emergency vehicles from using the crossing.

While we do not object to the Cannery Park Project, we very much object to imposing the at-grade railroad crossing and the resulting significant noise problems on our neighborhood.

Sincerely,
Morley and Lorell Hardaker
2.0 Comments on Draft EIR and Responses

Response to Letter 23: Morley and Lorell Hardaker, Residents of Davis

Response 23-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 23-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses

March 26, 2013
To: City of Davis Planning Commission

Fm: Lydia Della-Schlosser, Davis resident for 35 years. Participated in the Covell Village project.
Re: Comments and questions to the planning commissioners for the Cannery Park Proposal.

The following is a brief history of the relationship and discussions that have occurred between the Covell site and the ConAgra property.

1. Covell Village (CV) was planned with the overall vision to full fill unmet housing needs and complete critical connections for our cities bikeway system. Among the many other benefits provided to the community, these were key improvements to existing infrastructure. (See Exhibit 1, CV Project Baseline features)

2. Prior to the election we were required to work with the Lewis Group, who had purchased the ConAgra site and was proposing to build a mixed-use neighborhood project. The original plan had more commercial and less home sites than the present day plan.

3. CV worked closely with the Lewis Group to ensure seamless connectivity and thoughtful connections for bikes, pedestrians and autos between the two properties.

4. After CV lost the election... the Lewis group began to pursue their project...Cannery Park.

5. Our CV group continued to work with Lewis...and together we planned and drafted an agreement that would provide key connections thru the Covell property, in conjunction with providing them bike access thru our Apartments at the southwest corner. (There is no agreement with ConAgra to access their preferred route).

6. Our agreement on connectivity with Lewis was finalized and all cost sharing had been defined and agreed to for both parties.

7. Then...Lewis decided to pull their application and returned the property to ConAgra.

8. ConAgra came forward with a new proposal and we met with them to discuss working together on a new agreement.

9. ConAgra was unable to justify working with us... and felt they had allowed for effective circulation and connectivity and were able to stand alone as a new neighborhood.

We understand ConAgra’s position from a political perspective...but from a planning perspective it seems planners would want to have certainty about what to expect for this area, in order to adequately address future needs and impacts to the Davis community.

The following is a short list of reasons to discuss master planning the CV/ConAgra area...

a. PG & E Gas Line relocation
   ...Recently CV was contacted by PG&E to replace the main gas line that runs through our property from Covell Blvd to the north. Required by PUC.
2.0 Comments on Draft EIR and Responses

We are working with them to relocate the pipe to a better location along our western property line shared with ConAgra. The work is planned to begin this summer.

Having a comprehensive circulation and connectivity plan in place for roadways and bike paths between the two sites would allow us to make the best decisions in terms of the actual gas line location.

b. Woodland Davis Surface water line route is shown to pass thru and around the CV property and thru ConAgra (See Exhibit 2)

c. Provide for seamless circulation for all forms of transportation between the two areas in the future.

d. Safe Connectivity for ped and bikes within the project and from adjacent neighborhoods.

e. Covell Blvd Improvements: The City is currently in the process of developing a plan for multi-modal transportation improvements on E. Covell between F Street and Birch Lane. (Exhibit 3)

f. Provide alternatives to the existing EVA and added noise issues due to requirements of a horn blow when trains pass over an at grade crossing.

g. Determining improvements and Fair Share responsibility and timing.

h. ConAgra needs a significant amount of dirt to fill in and level their site. They have asked CV to provide them with over 160,000 cubic yards of fill. It is difficult to consider this without knowing how the CV site will be planned.

i. The Covell Site is in the 10yr Sphere of Influence.

Questions to the Planning Commission are as follows:

1) Does the proposed circulation improve the area outside of the Cannery?  

2) Will the proposed connectivity enable all surrounding neighborhoods the opportunity to easily and safely access and benefit from the Cannery Park amenities?  

3) Is future connectivity and circulation with the CV site adequately planned?

4) Is there anything else that should be considered today, if and when all or a portion of the neighboring CV property is developed?

5) Is it possible to calculate fair share responsibilities without knowing what the overall plan of the area will be?  

6) Would master planning this area make for a better Cannery Park plan?
EXHIBIT 1
Covell Village Measure J Baseline Features
Project Description

OVERVIEW

The City's agreement with the developers of Covell Village requires the project to feature homes, 105 acres of parks and open space, and a Village Center.

The agreement places other requirements on the project's developers, including funding a new fire station, building affordable housing, providing solar electricity, and permanently protecting farmland.

LOCATION

The Covell Village site, located on 383 acres north of Covell Boulevard between Pole Line Road and F Street, does not include the old Hunt's cannery site. Its northern border is even with the northern borders of Wildhorse and Northstar.

HOMES

Over a period of 10 years, the developers will be required to provide 1864 homes in Covell Village at an average rate of 186 homes per year, including approximately:

- **600 market-rate homes.** Average lot size: 5,400 square feet.
- **315 middle-income homes.** Average lot size: 3,250 square feet.
- **85 middle-income senior condos or townhomes.**
- **150 senior homes.** Average lot size: 4,500 square feet.
- **212 apartments.**
- **144 low and moderate-income homes.**
- **358 other dwellings,** such as affordable apartments, live-work lofts, Village Center apartments, and a co-housing project.

PARKS AND OPEN SPACE

Covell Village will be required to have over 105 acres of parks and open space.

- **A 34-acre wetland habitat,** like the Northstar pond.
- **A 27-acre nature corridor,** running east-west.
- **16 acres of greenbelts.**
- **12 acres of mini-parks.**
2.0 Comments on Draft EIR and Responses

- An 11-acre central park.
- 4 acres of "linear greens" (long, narrow parks).
- A village green and other green spaces (under 2 acres).

VILLAGE CENTER
Covell Village's walkable, multi-story, mixed-use Village Center -- blending commercial, civic and residential uses -- will be required to meet "New Urbanist" planning and architectural design criteria.

OTHER DEVELOPER REQUIREMENTS
The developers of Covell Village are required to:
- Build and equip a new fire station or donate $4 million, whichever is less.
- Give the City $12.1 million over a 9-year period to defray fire station operations.
- Donate 1.7 acres for the fire station at the intersection of Covell and L Street.
- Donate another $425,000 for fire apparatus.
- Install a 1KW solar photovoltaic system on every single-family home.
- Build and make available more affordable housing than has previously been required in Davis.
- Complete all parks and open spaces within two years of starting each phase.
- Maintain all parks and open spaces at their own expense for at least five years.
- Give 776 acres of permanent farmland easements to the City.
- Improve 60 acres of habitat or natural corridor similar to the Northstar pond.
- Buy Nugget Soccer Fields and donate them to the City for permanent sports use.
- Donate land and $2.75 million for a Community Center in the Village Center.
- Fund up to $500,000 of traffic calming measures for L Street, J Street and Claremont Drive.
- Fund unlimited bus use by assessing Covell Village residents.
- Fund a community amphitheater and public art improvements in Covell Village.
- Donate a 10-acre site to the Davis Joint Unified School District.
- Pay for an additional police car.
Covell Corridor Plan

F Street to Birch Lane

The north side lacks a complete off-street bicycle path and insufficient pedestrian access to the south side, has a steep overpass, and challenging bicycle/pedestrian access to the neighborhood shopping center. Overall, the corridor is generally unattractive; lacking identity (as does Pole Line Road from the north) due to an absence of gateway features and amenities.

The character of the adjacent neighborhoods is primarily single-family residential anchored by the 100,000 square foot Oak Tree Plaza neighborhood shopping center at the southwest corner of E. Covell Blvd and Pole Line Rd (map icon #1). Other noteworthy uses in the project area include the Green Meadows office complex (#2) at the northeast corner of E. Covell Blvd and Pole Line Rd, Birch Lane Elementary School (#3), and Community Park and Davis Little League fields south of the E. Covell Blvd/F St Intersection (#4 & #5, respectively). The corridor also serves North Davis Elementary School and Holmes Junior High School.

DESCRIPTION

The primary purpose of the E. Covell Blvd Complete Street Plan is implement the General Plan vision for a “corridor plan” for E. Covell Blvd. to improve safety, circulation and access for multi-modal transportation while creating a signature corridor that applies best practices in streetscape design. The plan would consist of improving the function/aesthetics of the corridor of E. Covell from F Street to Birch Lane.
Response to Letter 24: Lydia Delis-Schlosser, Resident of Davis

Response 24-1: The commenter provides a brief history of the relationship between the Covell Village site and the Cannery site, from the commenter’s perspective. This comment does not address the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 24-2: The commenter provides a list of reasons why the commenter believes the City should initiate master planning efforts between the Covell Village site and the Cannery site. This comment does not address the adequacy of the Draft EIR as an informational document. The design of the project will not impede the ability of PG&E to implement improvements to its natural gas delivery system in the future. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 24-3: The commenter provides questions to the Planning Commission, which do not relate to the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 24-4: The commenter provides questions to the Planning Commission, which do not relate to the adequacy of the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 24-5: The commenter asks if it is possible to calculate fair share responsibilities without knowing what the overall plan of the area will be. Fair share calculations are based on the project’s proportional contribution to a given improvement that will be funded in the future. For example, in terms of a future intersection improvement, the City would determine the total cost of a needed improvement, and determine the total amount of area-wide traffic that would utilize the intersection. The project-generated traffic utilizing this intersection would also be calculated, and the project’s percentage contribution to the intersection’s use would be determined. The project’s fair-share contribution would be equal to the percentage of use of the intersection attributable to the project.

Response 24-6: The commenter provides questions to the Planning Commission, which do not relate to the adequacy of the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Lyn Hooper <quackerbacker@goducks.com>
Sent: Monday, March 18, 2013 10:22 PM
To: Katherine Hess
Subject: Cannery Development Project and Faro Avenue Crossing

Ms. Hess:

When I formerly worked at McCandless and Associate Architect, Inc. I coordinated with you on another sensitive project, Zelkova Court located at 5th and J Streets, which ended in a positive result for the owner as well as the neighbors, and I hope this Cannery project can also end with a positive outcome for all involved.

I am not opposed to development of the Cannery property in general, but I am outraged that the City would consider support of a project that will directly result in a significant reduction in the value of homes in and around F Street and Faro Avenue. I live at 113 Faro Avenue, just three houses away from the proposed at grade railroad crossing.

Noise disturbances are required disclosures when listing a property for sale. My home is close to the railroad, but I am never disturbed by it because the trains do not blow their horns here. If a crossing is installed at F Street and Faro Avenue requiring trains to blow their horns I will be required to disclose this tremendous disturbance on any future sale contract of my home. That will be a huge deterrent for potential buyers who have other choices within the City limits.

I purchased a home in Davis in 2003 in order to protect my investment as the market here has been relatively stable for the nearly 40 years my family has resided here. If you allow this crossing to create an unnecessary disturbance you will undermine the confidence in this community that this City has offered its residents for decades. I have never seen any decisions made by the City that would single handedly harm its current residents financially like this in all my years living here.

Please require a revision to the current EIR for this is not an unavoidable consequence of the development of the Cannery property. There are other options for crossing the railroad including the already existing overpass at F Street and Covell Blvd. Consider the number of times emergency vehicles will require the use of this access versus the negative impact of countless horns blown each day and night to the existing residents in the surrounding area.

I am also a licensed architect with an understanding of design and the design process. Nothing in design is "unavoidable". There are always other, and usually better, solutions. This developer should be required to redesign this proposed emergency access point so as not to negatively impact current Davis residents who might otherwise support development of the Cannery property.

Sincerely,
Lyn Hooper, California Licensed Architect #C28627

Residence: 113 Faro Avenue
2.0 Comments on Draft EIR and Responses

**Response to Letter 25: Lyn Hooper, Resident of Davis**

**Response 25-1:** This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

**Response 25-2:** This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

**Response 25-3:** This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Mark Williamson <mark.williamson@yahoo.com>
Sent: Thursday, March 07, 2013 1:06 PM
To: Katherine Hess
Cc: shellidy@comcast.net; tsakash@davisenterprise.net
Subject: Cannery Noise Impacts from Proposed Faro Railroad Crossing

Ms. Catherine Hess, City of Davis:

I am Mark Williamson, and I have lived at 431 Heron Place for approximately 11 years.

I am writing to ask the City to modify the Cannery Project to remove the proposed emergency vehicle crossing of the railroad at F Street and Faro. The analysis in the Draft EIR is flawed for the following reasons:

1. The noise impact of trains sounding their horns extends significantly beyond the first four houses west of F Street shown in Figure 3.11-4 of the EIR. My home is 1,600 feet from the rail line and we are periodically awakened by train horns sounding ahead of the County Road 29 and 8th Street grade crossings at night and during early mornings.

2. The impact area shown on Figure 3.11-4 will extend significantly farther north and south than what is shown on the figure. These existing grade crossings are more than two-and-a-half miles apart. The proposed Faro crossing is approximately in the middle. Train horns would be sounded continuously between County Road 29 and 8th Street. The Draft EIR must be revised to reflect this.

3. Residences with second-story sleeping areas will be especially impacted during the warm Davis summers when windows are left open at night. The noise impact analysis must be redone to evaluate noise levels 20 feet above ground level.

4. The "Quiet Zone" designation is not a viable alternative. There is no guarantee it will be or could be implemented, and railroad operators are not required to abide by it. Any crossing not protected by a high, locked gate would certainly be used by bicyclists and pedestrians who would be put at risk at a grade crossing where trains did not routinely sound their horns. The "Quiet Zone" and the additional protective measures would need to be established prior to construction of the Cannery Project to make this a workable proposition.

5. The Draft EIR concludes the noise impacts are "significant and unavoidable." They are not unavoidable. Emergency access could be provided from Covell Blvd, from Pole Line Road, or via a tunnel beneath the railroad. A fire station could be established in the Cannery. Or the project could simply not be constructed. Each of these alternatives would avoid the train noise impact and must be considered in the EIR.

I ask the City to modify the Cannery Project to remove the proposed emergency vehicle crossing of the railroad at F Street and Faro.

Thank you for your consideration,

Mark S. Williamson
431 Heron Place, Davis
Response to Letter 26:  Mark Williamson, Resident of Davis

Response 26-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 26-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 26-3: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 26-4: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 26-5: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
City of Davis,

I write to comment on the draft Environmental Impact Report for the Cannery Park development.

The draft EIR does not adequately analyze and disclose noise and safety impacts of the proposed at-grade crossing of the railroad tracks along F Street at Faro Avenue. A crossing at that location would generate excessive noise because trains are required to blow their horns for a quarter mile before reaching the crossing from either direction. The draft EIR states the horns will measure 107 decibels at 75 feet. However, the draft EIR contains no analysis of how loud those blasts would be at the homes of thousands of Davis residents who live within blocks of F Street and within a quarter mile of the proposed crossing, in what is now a quiet neighborhood.

The developer has applied to Union Pacific for a private crossing at this location. The draft EIR suggests that a “quiet zone” might be established for the proposed crossing. That is incorrect. The CPUC does not establish quiet zones for private crossings. Thus, if Union Pacific allows the proposed, private at-grade crossing, noise impacts will not be mitigated.

The draft EIR also fails to analyze and disclose reasonable alternatives to the proposed crossing that would eliminate noise and safety impacts. Section 3.11 of the draft EIR concedes that noise effects from trains blowing their horns will be significant, but claims they are unavoidable. In addition, it states that the F Street crossing “is the only viable option that would provide adequate emergency access to the site.” Draft EIR at 3.11-22. Both those statements are incorrect. First, there are already three exit points from the property onto Covell Blvd. and the report does not explain why these are inadequate. In addition, there are at least four alternatives for emergency evacuation from Cannery Park that are not analyzed in the draft EIR:

1. A surface water line is being tentatively planned to run along the north side of East Covell from Cannery Park to Poleline Road. The easement acquired by the City for the water line could also support a bicycle route to Poleline Road and beyond, which could be constructed also to serve as an evacuation route in the unlikely event one is needed.

2. There is an existing service road on the south side of the Channel A drainage area to the north of the Cannery Park parcel. An evacuation route could run north from the northwest corner of Cannery Park, parallel to the Union Pacific right of way, then east along the service road to Poleline Road.

3. The ten-foot bike trail beneath the East Covell railroad overcrossing, which runs along the east side of the tracks, should be wide enough for vehicles in the unlikely event of an evacuation. The trail could be widened if necessary, either by acquiring several feet of Union Pacific’s easement, or by slightly elevating the path to allow extending it over the constructed slope on the other side.

4. A grade separated crossing.

All alternatives would allow evacuation from Cannery Park to a street other than East
Covell and would avoid adverse noise impacts and the threat to public safety posed by the proposed at-grade crossing. These alternatives should be thoroughly analyzed in the final EIR and ultimately deemed preferable to the at-grade crossing.

Thank you for your consideration.

Mary Ann and Victor Jung
414 Sandpiper Drive
Davis, CA 95616
Response to Letter 27: Mary Ann and Victor Jung, Residents of Davis

Response 27-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 27-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 27-3: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 27-4: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
Katherine Hess

From: Shelledy@comcast.net
Sent: Friday, March 01, 2013 7:47 PM
To: Katherine Hess
Subject: Re: Cannery EIR

Thanks for the information.

Mary

From: Katherine Hess <KHass@cityofdavis.org>
To: Shelledy and French Family <shelledy@comcast.net>
Cc: Bonnie Chiu (bchiu@thenewhomecompany.com) <bchiu@thenewhomecompany.com>, George E. Phillips (gphillips@phillipslandlaw.com) <gphillips@phillipslandlaw.com>
Sent: Friday, March 1, 2013 3:45:30 PM
Subject: RE: Cannery EIR

Mary:
The applicants for The Cannery are George Phillips (representing Con-Agra) and Bonnie Chiu (with the New Home Company). Contact information is below.

George E. Phillips
Phillips Land Law, Inc.
5301 Montecito Lane
Locomis, CA 95650
Tel: (916)979-4800
Fax: (916)979-4801

Bonnie Chiu | Project Manager
The New Home Company
2229 Douglas Boulevard Suite 240, Roseville, CA 95661
Direct: +1 916 740 3921 | Fax: +1 916 771 4199
Mobile: +1 916 317 5525
Website: www.thenewhomecompany.com

Katherine Hess
Community Development Administrator
(530)757-5652

> -----Original Message-----
> From: Shelledy and French Family [mailto:shelledy@comcast.net]
> Sent: Wednesday, February 27, 2013 10:48 AM
> To: Katherine Hess
> Subject: Cannery EIR
> > Hi Ms. Hess,
> > I received the notice about the Cannery and wanted to ask a couple of quick
> > questions.
> > > 1. Has the developer applied for the permit for the at grade emergency
> > crossing at Faro/F Streets? If not, when would you anticipate that to be
> done?
> 
> 2. Is there a description available for the type of crossing that is being proposed? For example, what type of warning signals would be there and how would other cars/bikes/pedestrians be excluded from using the access road?
>
> 3. Would you be able to give me the contact info. for the developer? My neighbor and I are interested in talking with them informally about our concerns. However, I didn’t see any name/number for them.
>
> Thanks,
>
> Mary French
March 23, 2013

City of Davis Planning Commission

23 Russell Blvd.

Davis, CA 95616

Re: Draft EIR - Cannery Park

To the Commissioners:

I write to comment on the draft EIR ("report") for the proposed Cannery Park development. The report includes a proposal for an emergency vehicle access at the railroad tracks on F Street (near Faro Ave.). Currently, there is no railroad crossing in this area and train horns are not sounded. The proposal would result in trains blowing their horns along the F Street corridor at 96 to 110 decibels, measured 100 feet in front of the train (as required by federal law). This would take place any time a train passes, currently at least 5 times during the day and 1 time at night. Report, 3.11-6. Section 3.11 of the report concedes that the noise effects from trains blowing their horns will be significant, but claims these effects are unavoidable. That is not so.

I am one of a small group of residents of the affected area who have attended two meetings with a representative of Con-Agra and the New Home Company. The meetings took place on March 9 and 23, 2013. According to the representatives, the plan did not originally include this railroad crossing. The railroad crossing was added at the request of the City of Davis Fire Department. It would not be used by emergency vehicles to access the property. Instead, emergency vehicles would access the property through the entrances on Covell Blvd. The railroad crossing is to be used solely as an evacuation route in the unlikely event that the area needs to be evacuated and Covell Blvd. is not available. The railroad crossing is not needed for response times or access, nor is it required by codes or regulations, but is envisioned as an additional exit point to handle a remote "what if" scenario. It is my understanding that in the Summer of 2012, the developer applied to Union Pacific for a private crossing for this location. That application for a "private crossing" is pending.

1. The report fails to provide an adequate description of the proposed railroad crossing.

The draft EIR contains virtually no description of the proposed railroad crossing. It states only: "An at-grade emergency vehicle access (EVA) is proposed across the Union Pacific railroad tracks and F Street drainage channel, in the vicinity of the Faro Avenue/F Street intersection (subject to approval by the railroad). The at-grade crossing would be designed for emergency use only and, hence, would not be available for bicycle, pedestrians or non-emergency vehicle
use.” Draft EIR 2.0-16.

This description is wholly inadequate. There is nothing in the report describing the type of crossing being proposed. Omissions include any discussion whatsoever of the following: tree removal, safety features, barriers, accident prevention measures such as gates, bells, flashing lights, warning devices, gates or crossing arms, fencing types and materials, length of fencing, measures to prevent access at ends of fencing. In sum, the report is inadequate in that there is virtually no description of the proposed crossing and the public is unable to provide meaningful comment because of these omissions.

The City should find that it is impossible to evaluate the impact of this railroad crossing without an adequate description and this report is inadequate due to this major omission.

2. The report fails to identify or consider alternatives to the proposed crossing.

The report states in conclusory fashion: “The City of Davis and the project applicant have explored opportunities to provide alternative emergency vehicle access to the Cannery site. However, it has been determined that a crossing at the F Street Channel is the only viable option that would provide adequate emergency access to the site.” Report, 3.11-22.

The report does not specify what alternatives were considered. This statement makes no sense because there are several other viable alternatives still under consideration that do not involve a railroad crossing. At the meetings between the developer and the small group of residents in March of 2013, the developer acknowledged that they are looking at several other options for an evacuation route as a “back up” plan in the event the City Council does not approve of this exit route or makes its approval contingent on a quiet zone and a quiet zone is not approved. These alternatives are superior to a rail crossing because they all avoid noise and safety issues. They should be considered as the first choice rather than as a back up plan. This information is tentative as it was obtained during the informal meetings described above, but some of the alternatives are summarized below:

A. New bike route/emergency evacuation route along East Covell to Pole Line Rd.

Due to the recent passage of Measure I, a surface water line is being contemplated to run along the north side of East Covell from Poleline to the Cannery property and beyond. The City will likely be pursuing an easement for this and at the same time, the City is interested in a bike trail to run along that same route on the north side of Covell (currently there is no separated bike path along this side of the street). The City wants this bike trail to extend along the
southern edge of the "Covell Village" property. This bike trail could be made 12 feet wide (instead of 10 feet wide) to serve as an evacuation route to Poleline. This is one alternative to an at-grade railroad crossing. It would be safer and involve no noise.

B. Existing service road.

There is an existing service road on the south side of Channel A, a drainage area to the north of the Cannery Park parcel. A possible exit route would be along the Union Pacific right of way to the north, then turning right (East) and travelling along the service road which extends all the way to Poleline Road. There is going to be a pump station at the north west tip of the Cannery Park property that will be in use so there will be an access road up to this pump station anyway. This may present a good alternative to a railroad crossing and the developer is exploring it. Two advantages are safety, as the evacuation route would not cross the tracks, and noise.

C. Bike Trail to the south underneath Covell overcrossing

Cannery Park as currently planned includes a 10 foot bike trail undercrossing of the Covell bridge on the East side of the tracks (not crossing the tracks). Report 2.0-17: Figure 2-11a (orange line represents 10' bike path). This should be wide enough for vehicles to use in the unlikely event of an evacuation. See Figure 2-11c, photo 15. In addition, the developer is exploring the possibility of acquiring several feet of Union Pacific's easement to widen the path for possible evacuation. The exit id in between the apartments on that same side (East) of the tracks. There are also alternative plans for bike trails that cross under the same area (Figure 2-12) or over the tracks on F Street. This is depicted in Figure 2-13. These are other viable alternatives for emergency evacuation routes not involving a track crossing.

D. Third exit onto Covell Blvd.

There is already an exit at the area on Covell where the urban farm/buffer zone is planned. This exit is currently gated. Although it would not be for public use, it could be used for evacuation. This makes 3 exits onto Covell from the property. There has been no explanation of why the three access points on Covell are insufficient for emergency evacuation. With three exits, there is no compelling need for another one on F Street.

E. Grade separated crossing

Another alternative not mentioned in the report is a grade-separated undercrossing or overcrossing which would be safer and less noisy. The report says nothing about a grade separated crossing.
2.0 Comments on Draft EIR and Responses

Based on these alternatives, the report’s statement that a railroad crossing is the “only viable option” (3.11-22) is clearly incorrect. The City should direct the developer to use one of these alternatives and eliminate the at-grade crossing.

3. The report does not adequately assess noise impacts of the proposed crossing.

Train horns will adversely affect the peace and tranquility of our community, including residences, the North Davis pond area, Covell Park and the greenbelts. This is especially true for anyone cycling or jogging along the path on F Street adjacent to the tracks. A crossing would generate excessive noise because trains are required by federal law to blow their horns for ¾ mile before reaching the crossing from either direction, using a pattern of 2 long, 1 short, and 1 long horn blast. The horn must be blown at 96 to 110 decibels measured 100 feet in front of the train, and the EIR states the horns will measure 107 decibels at 75 feet. Report, 3.11-6 (with use of warning horns, average sound exposure level of a discrete horn blowing event would be 107 decibels at 75 feet). This is substantially louder than a gas lawn mower at 3 feet or even a jet flyover at 1,000 feet. Report, 3.11-3 (Table 3.11-1)

The report fails to adequately describe or evaluate the noise impacts on the residents in the area. Currently, the tracks are flanked by trees which serve as a noise buffer. If the crossing involves tree removal, this will affect the noise impacts. Not only will the trains be blowing their horns, but the general train noise and horn noise will carry further due to the absence of trees. The report says nothing about tree removal.

More information is needed about the impact of individual horn blasts on the residences within hearing distance of the noise. The report states that there would be 5 events during the day and 1 at night (if track use is similar to the use on the day they checked it, but we have no way of knowing whether train traffic would remain constant). The EIR focuses mostly on average noise levels over a 24 hour period, but a more acute concern for area residents is the impact of each individual horn blast, not an average sound level over 24 hours. This is particularly true at night and in the summer when residents often sleep with their windows open and enjoy time in their yards. Little information is provided other than red and green lines showing 60 and 65 decibel averages with and without horns demonstrating that many residences will be within a zone of intense noise. Figure 3.11-4. The maps fail to show the entire distance that the noise will travel, omit the decibel levels at various distances, and fail to depict the hundreds if not thousands of residences that will be impacted by each event. No resident can tell from the information provided how loud the noise of a single horn event will be at their own residence.

The proposal to pursue a “quiet zone” so trains would not have to sound their horns does not resolve the problem, because the draft EIR says this
requires many steps, must be approved by other entities such as the Federal Railroad Administration, and cannot be guaranteed. 3.11-23. Moreover, the application for a quiet zone would be made at the same time that the development breaks ground. Report, 3.11-23; Mitigation Measure 3.11-2 ("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."). No explanation is given for this timing.

The developer stated at the informal meetings that it is exploring the quiet zone process in more detail at this time. It is actually the City, not the developer, who would apply for a quiet zone. Even if a quiet zone is approved, locomotive engineers retain discretion to blow their horns even in a quiet zone. Report, 3.11-23. The report should explain this and analyze noise impacts if the railroad exercises their discretion. In addition, although a quiet zone would have advantages, it would increase the danger of the crossing. Safety issues are addressed further below.

4. The report fails to evaluate the safety risks of the proposed crossing.

The draft EIR contains no information about safety of the proposed crossing. Accordingly, the City is unable to evaluate the safety issues surrounding the crossing. The report claims only that the at-grade crossing "would not be available for bicycle, pedestrians or non-emergency vehicle use." Report, 2.0-16. No further information is provided. The crossing would be unsafe because, among other things, it is not clear how it would be limited to emergency vehicles and others would be excluded from using it.

The proposed crossing would transect a bike/pedestrian path and connect to the proposed Cannery Park development to the east of F Street. Any such crossing will create an attractive and dangerous nuisance. This is the exact bike route that many adolescents use on a daily basis to get to school and to other places. Minors and others will cross the railroad tracks to take a shortcut to school, enter the new development, or travel to the Nugget Plaza shopping center as well as other points to the east.

The junior high for the North Davis area is Holmes Junior High at 1220 Drexel Drive in the East Davis. The Cannery Park development is in between North Davis and Holmes Junior High. The proposed at-grade railroad crossing would offer a route for students to get to school. It will undoubtedly be used as a new shortcut to school. In addition, the route would be used by people who want to cycle or jog into or through the Cannery Park development or access businesses or homes there. It would also be used by people who are going to the Oak Tree Plaza shopping center on Covell Blvd. which is relatively close to Holmes Junior High. Having pedestrians and cyclists crossing the tracks would be dangerous.
Even if a fence is added in front of the crossing arms, people can go around the fence to cross the tracks at this location. Currently, there is no reason to cross there because nothing is built on that land; this will change dramatically if the Cannery Park development is built and the crossing of the tracks will become a huge safety issue in general and especially if an at-grade railroad crossing is approved.

In addition, the evacuation of people across tracks is not ideal. This would require stopping the evacuation if a train arrived or making sure that train traffic is halted during the evacuation. This is unduly complicated and dangerous and should only be used as a last resort. As explained above, other safer alternatives are possible and preferable.

I am also concerned that eventually this crossing could be opened up to more than just emergency vehicles and will create a safety risk to cars as well as a traffic hazard on F Street as vehicles may back up on F Street while trains are crossing. F Street is not able to handle that kind of traffic safely.

The proposed quiet zone will exacerbate the safety problem. The entity to request a quiet zone is the City, not the developer. If a quiet zone is approved, the trains will not be required to blow their horns (except in their discretion) which poses a safety risk and raises the risk of tragic accidents. The City should examine who will be liable if an accident takes place in the quiet zone.

For the above reasons, the report is inadequate. The City should remove the railroad crossing from the plan and select another alternative that does not involve a railroad crossing, and does not force residents to the excessive noise of train horns day and night.

Thank you for considering these comments.

Sincerely,

/s/ Mary French

Mary French
Katherine Hess

From: Shellady and French Family <shellady@comcast.net>
Sent: Monday, April 01, 2013 3:39 PM
To: Katherine Hess
Subject: Alternatives to crossing at F and Faro

Hi Ms. Hess,

At the Planning Commission meeting last week, the consultant who prepared the draft EIR said in response to a question from a Commissioner that he was not prepared to discuss alternatives to a railroad crossing, but would look into alternatives if directed to do so by the City.

Therefore, I'm writing to request that the City direct that all alternatives to the railroad crossing be explored by the consultant and included in the final EIR.

Thanks,

Mary French
Response to Letter 28: Mary French, Resident of Davis

Response 28-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-3: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-4: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-5: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-6: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-7: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-8: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-9: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-10: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-11: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-12: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-13: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 28-14: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
To: Katherine Hess
From: Mary Jo Bryan
RE: Cannery Park Housing Element – Comments on Draft EIR

I would like to be in support of the Cannery Park Development. However, I feel that the EIR does not address the issues in regards to providing the kind of housing that Davis needs today and in the future.

Specifically, the Cannery provides an opportunity for Davis to address the growing senior population that has lived in Davis for so many years and we hope to continue live here. Seniors, like myself, are living in single family homes located close to schools, parks and other amenities. We find ourselves wanting to downsize but where to? URC is not an option for many of us and we prefer living in a neighborhood setting but in a smaller home that is easier to maintain.

We had hope that Cannery Park might provide this kind of a living environment. We have been forthright in expressing what we want but the current plan does a poor job of addressing our proposal for single story homes in a micro-neighborhood model.

We are not asking for restrictive senior housing but one that is multi-generational that would accommodate a variety of housing sizes and styles. We believe that single story homes are more attractive and useful for seniors, persons with disabilities, single people and single parents. It is our belief that they provide more freedom and independence for young and old, yet there is only the possibility that the cannery will have lots to accommodate 19 single story plans. Many of these are on large lots and will offer large homes.

The stacked flats four stories high are not the answer for senior housing and not what the overwhelming majority of seniors are interested in. There are no ground level units so that all units will require elevators or stair access. They are the equivalent of living in an apartment.

As of 2011 there were almost 12,000 senior 55 + and over in Davis. Many and probably most of us are still living in the homes we raised our children in, close to schools and parks. In my neighborhood of 12th Street, where in the 60 and 70s there were over 100 children living now we have 7 school age children. Only one home is owner occupied with 2 school age children. The other three families are renting homes. There are a total of 36 homes on 12th Street and the other 32 single family homes have only one or two adults.

We have a model here in Davis. Glacier Circle is a senior neighborhood built by friends so that they could live close together and be there for one another. It is a successful model and this model has been duplicated successfully all over the US and in other countries. Why can’t it be done here?
Response to Letter 29: Mary Jo Bryan, Resident of Davis

Response 29-1: The commenter requests that the project include more provisions and amenities for senior housing. The comment expresses a design preference for the project, but does not comment upon the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
If you have 1,000 square feet of roof on your house, and it rains just 1 inch, you can collect 600 gallons of water to be used in your garden, for washing your car, or just for drop irrigation around your property. That’s 600 less gallons you have to pay for and use from your town water supply!

Davis Average Rainfall = 20 inches x 600 gallons = 12,000 gallons / 7.38 gallons per Cubic Foot = ~ 1,625 ccf - summertime value of $7 / ccf =

~ $11,000 of water that will come off the roof to water lawns, common areas, car washing, etc.

On average, Americans use about 69 gallons of water per person per day for bathing, cooking, cleaning and flushing toilets - and is just for indoor water use and does not account for any watering/car washing going on outside. That amounts to about 2,100 gallons a month for each person - or only slightly more than you might be able to collect off your roof in a single rainstorm. Cisterns (Holding Tanks) in their yard and systems in their house to be able to do so. But if you are not interested in doing that and just wanted to use it outside, using a rain barrel or two under your downspouts can make a big difference in your monthly water usage and bill.

With a Davis ccf to be $7 in the summer in the future -

If that is the cost of use would be a $950 dollars off a water bill per year or equivalent % of HOA fees.

A 30 year value of $350,000.

Lifetime Home value 100 years - $1,250,000 x 550 homes that is a $687,500,000 lifetime value...

Cost of a Cistern (below ground can be 6,000 gal / 3,000 gallon (96" x 96") storage tank (above ground) - $1523.92 -

cost to vehicle wrap aka ( tank wrap ) $750 = in approved - " Old Tomato Can Designs " for above ground.

Saved Water can also be used for the Urban Farm Buffer Area to reduce the HOA fees.
2.0 Comments on Draft EIR and Responses

Old Can designs can also be used on Trash Cans in the Mixed Use, Club House and Multi-Purpose Field part.

Ag Farm Buffer Area:

Lined on east side with:

Blueberry, Blackberry, Eldaberry and Kiwi

Center Part - Trees: Every 12-15 feet:

Walnuts - Almonds - Apples - Cuties - Pistacio - Plums - Olive

Intra-crop - Mixed Veg and Basil / Dandelions / Mixed Greens (per home owners)

Matt Kirk M.S. AFIS
Response to Letter 30: Matt Kirk, Resident of Davis

Response 30-1: The commenter provides information related to water usage and conservation techniques. The commenter does not provide any comments related to the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Dear Ms. Hess:

The draft EIR for the Cannery Park development does not sufficiently analyze or disclose the safety and noise impacts of the proposed at-grade crossing at Faro Ave and F Street. The proposed at-grade crossing compromises the safety of this neighborhood, and in particular the safety of its children. It would also generate excessive noise due to the requirement that trains blow their horns for a quarter mile approaching the crossing. While the draft EIR states that the horns will measure 107 decibels at 75 feet, it fails to contain any analysis of the volume and impact of the blasts on residents who live within a quarter mile of the proposed crossing.

The developer has applied to Union Pacific for a private crossing at this location. The draft EIR suggests that a “quiet zone” might be established for the proposed crossing. That is incorrect. The CPUC does not establish quiet zones for private crossings. Thus, if Union Pacific allows the proposed, private at-grade crossing, noise impacts will not be mitigated.

Additionally, as a resident of Faro Avenue, I consistently see children using the bike lanes and bike paths traversing the area near the proposed crossing. School children also use these paths to commute to school and visit their friends multiple times a day. A private at-grade crossing in this area creates an attractive and dangerous nuisance; children would be drawn to the enclosed area as a shortcut to school and friends. The proposed crossing will also include a bridge over an existing ditch, making access to railroad tracks simpler than it is under current conditions. The draft EIR fails to analyze and disclose alternatives to the proposed crossing that would eliminate noise and safety impacts.

Section 3.11 of the draft EIR concedes that noise effects from trains blowing their horns will be significant, but claims they are unavoidable. In addition, it states that the F Street crossing “is the only viable option that would provide adequate emergency access to the site[1].” Both those statements are incorrect. First, there are already three exit points from the property onto Covell Blvd. and the report does not explain why these are inadequate. In addition, there are at least three alternatives for emergency evacuation from Cannery Park that are not analyzed in the draft EIR. With an average of 270 deaths recorded annually in or near grade-crossings[2], I strongly suggest selection of another location for emergency evacuation. I bring your attention to a number of possible evacuation alternatives that do not involve any railroad crossing:
2.0 Comments on Draft EIR and Responses

- Evacuation access along a bike path running parallel to the east side of the railroad tracks and under the East Covell Boulevard railroad overcrossing.

- Access along a proposed bike path on north side of East Covell Boulevard from Cannery Park to Poleline Road.

- Access via the existing service road along the Channel A drainage area north of the Cannery Park parcel; a route could be established parallel to the railroad tracks, connecting to the service road exiting to the east onto Poleline Road.

Each of these alternatives, and others, eliminate the inherent risk and disturbance of an at-grade crossing.

California already accounts for a disproportionate number of recorded collisions, fatalities and injuries at railroad crossings in the United States[3]. Reducing these accidents at at-grade crossings is a current objective that is uniting railroads, government agencies, law enforcement, and the public.

An at-grade crossing in this area presents a significant safety risk to the community at a time when the goal of many agencies is to avoid and eliminate at-grade crossings[4]. As a solution for rare emergency evacuation, which may never arise, an at-grade crossing should not be considered.

In closing, I remind you that this proposed at-grade crossing presents an unnecessary safety risk for children and residents as well as providing an unnecessary noise disturbance to many Davis residents. An emergency evacuation is possible but unlikely; this proposed project makes the death or injury of a child probable and completely avoidable.

All alternatives should be thoroughly analyzed in the final EIR as any alternative route would provide adequate emergency access and eliminate daily and unnecessary risk to our children, and adverse noise impacts to our community created by an at-grade crossing constructed at Faro Avenue and F-Street in Davis.

A full version of this letter is attached for your use. Thank you for your time and consideration.

Sincerely,

Matthew. H. Weil, PE
2.0 Comments on Draft EIR and Responses

[1] Draft EIR at 3.11-22

This e-mail and any attachments contain URS Corporation confidential information that may be proprietary or privileged. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.
April 11, 2013

Ms. Katherine Hess
Community Development Administrator
City Hall
23 Russell Blvd
Davis, CA 95616

RE: Comments on the draft Environmental Impact Report for the Cannery Park development

Dear Ms. Hess:

The draft EIR for the Cannery Park development does not sufficiently analyze or disclose the safety and noise impacts of the proposed at-grade crossing at Faro Ave and F Street. The proposed at-grade crossing compromises the safety of this neighborhood, and in particular the safety of its children. It would also generate excessive noise due to the requirement that trains blow their horns for a quarter mile approaching the crossing. While the draft EIR states that the horns will measure 107 decibels at 75 feet, it fails to contain any analysis of the volume and impact of the blasts on residents who live within a quarter mile of the proposed crossing.

The developer has applied to Union Pacific for a private crossing at this location. The draft EIR suggests that a “quiet zone” might be established for the proposed crossing. That is incorrect. The CPUC does not establish quiet zones for private crossings. Thus, if Union Pacific allows the proposed, private at-grade crossing, noise impacts will not be mitigated.

Additionally, as a resident of Faro Avenue, I consistently see children using the bike lanes and bike paths traversing the area near the proposed crossing. School children also use these paths to commute to school and visit their friends multiple times a day. A private at-grade crossing in this area creates an attractive and dangerous nuisance; children would be drawn to the enclosed area as a shortcut to school and friends. The proposed crossing will also include a bridge over an existing ditch, making access to railroad tracks simpler than it is under current conditions. The draft EIR fails to analyze and disclose alternatives to the proposed crossing that would eliminate noise and safety impacts.

Section 3.11 of the draft EIR concedes that noise effects from trains blowing their horns will be significant, but claims they are unavoidable. In addition, it states that the F Street crossing “is the only viable option that would provide adequate emergency access to the site.” Both those statements are incorrect. First, there are already three exit points from the property onto Covell Blvd, and the report does not explain why these are inadequate. In addition, there are at least three alternatives for emergency evacuation from Cannery Park that are not analyzed in the draft EIR. With an average of 270 deaths recorded annually in or near grade-crossings², I strongly suggest selection of another location for emergency evacuation. I bring your attention to a number of possible evacuation alternatives that do not involve any railroad crossing:

- Evacuation access along a bike path running parallel to the east side of the railroad tracks and under the East Covell Boulevard railroad overcrossing.

---

¹ Draft EIR at 3.13-22
² http://www.fra.dot.gov/Page/P0040K/UVfO28K4K.e mail
2.0 Comments on Draft EIR and Responses

Ms. Katherine Hess
City of Davis
Page 2 of 2

- Access along a proposed bike path on north side of East Covell Boulevard from Cannery Park to Poleline Road.
- Access via the existing service road along the Channel A drainage area north of the Cannery Park parcel; a route could be established parallel to the railroad tracks, connecting to the service road exiting to the east onto Poleline Road.

Each of these alternatives, and others, eliminate the inherent risk and disturbance of an at-grade crossing.

California already accounts for a disproportionate number of recorded collisions, fatalities and injuries at railroad crossings in the United States. Reducing these accidents at at-grade crossings is a current objective that is uniting railroads, government agencies, law enforcement, and the public.

An at-grade crossing in this area presents a significant safety risk to the community at a time when the goal of many agencies is to avoid and eliminate at-grade crossings. As a solution for rare emergency evacuation, which may never arise, an at-grade crossing should not be considered.

In closing, I remind you that this proposed at-grade crossing presents an unnecessary safety risk for children and residents as well as providing an unnecessary noise disturbance to many Davis residents. An emergency evacuation is possible but unlikely; this proposed project makes the death or injury of a child probable and completely avoidable.

All alternatives should be thoroughly analyzed in the final EIR as any alternative route would provide adequate emergency access and eliminate daily and unnecessary risk to our children, and adverse noise impacts to our community created by an at-grade crossing constructed at Faro Avenue and F-Street in Davis.

Thank you for your time and consideration

Sincerely,

[Signature]

Matthew. H. Well, PE

---

http://www.techtransfer.berkeley.edu/newsletter/04-4/tracks.php?print=t
http://www.cahighspeedrail.ca.gov/safety.aspx
Response to Letter 31: Matthew Weil, Resident of Davis

Response 31-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 31-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 31-3: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 31-4: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 31-5: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
From: Michael I Morris
   Janet H Morris
   112 Grande Avenue
   Davis, CA 95616

To: Katherine Hess, City of Davis

Subject: Cannery Development Project and EIR draft

A certain neighborhood circular has come to our attention that greatly disturbs us. According to this circular, the Cannery Park proposal would allow an emergency vehicle crossing resulting in passing trains blowing their horns along the F Street corridor. This is an outrage and totally unacceptable!! The City of Davis and project developers should work together to modify design to remove the railroad crossing and thus eliminate noise impact. Why do North Davis residents have to be subjected to intolerable noise levels that destroy peace and tranquility? Don’t existing home owners/residents as well as new residents (Cannery Park) have rights, too?

Michael J Morris
Janet H Morris

27 March 2013
Response to Letter 32: Michael and Janet Morris, Residents of Davis

Response 32-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
I wish to simply add that the proposed use as housing would be a tragedy for the city of Davis. The property remains ideally suited with its current zoning to be turned into a green energy park. This was originally proposed in 2004 prior to the partial destruction by Lewis Homes which delayed this option. Identifying this property as a potential green energy park would be revolutionary for the region and would create the ideal environment to create green jobs from new companies pioneering exciting new technologies.

The property has everything it needs in its current zoning. I strongly encourage the planning commission to reject any changes to the zoning and preserve this vital asset for the city.

I would be happy to make a more formal presentation about the companies and technologies that could use the location if it were marketed as currently zoned.

Mike

Michael G. Hart
President, CEO

Sierra Energy
221 1st Street
Davis, CA 95616
Work: (530) 759-9827 ext. 504
Fax: (530) 759-9872
Mobile: (530) 304-8805
http://www.linkedin.com/pub/mike-hart/0/60/570
www.sierraenergycorp.com
www.sierranorthern.com
www.sierrarailroad.com
Response to Letter 33: Michael Hart, Resident of Davis

Response 33-1: The commenter expresses a design and planning preference for the project site, but does not comment upon the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Katherine Hess

From: meg conant <megconant@hotmail.com>
Sent: Thursday, March 14, 2013 9:34 PM
To: Katherine Hess
Cc: tsakash@davisenterprise.net; shelledy@comcast.net
Subject: Proposed Cannery Development

Dear Katherine,

I want to voice my concern about the Cannery Park proposal for an emergency vehicle crossing at F and Faro. I have two concerns about the crossing. First, I worry that it could be a dangerous crossing for pedestrians, specifically children and teens, who will most likely take advantage of any short cut on their way to school or the shopping plazas west of the development. Second, I live on Faro and do not want to hear a train blowing its horn. The noise would be very disruptive both night and day. I feel the City should modify the project to remove the railroad crossing.

Thank you,

Meg Conant
Response to Letter 34:  

Meg Conant, Resident of Davis

Response 34-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 34-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
Katherine Hess

From: CDD Web
Sent: Friday, March 29, 2013 2:50 PM
To: Katherine Hess
Subject: FW: comments on EIR--Cannery Project

Please see e-mail below sent to the CDD web e-mail account. Thanks! -Tom

Tom Callinan
Planning & Building Technician
747-5852

From: Mikos Fabersunne [mailto:fabersunne@sbcglobal.net]
Sent: Friday, March 29, 2013 12:25 PM
To: CDD Web
Subject: comments on EIR--Cannery Project

I am a resident living about 1/2 mile southeast of the proposed project. My concerns are two-fold: 1) Transportation plan and potential traffic impacts; and 2) the proposed housing density.

1. The EIR indicates that the only traffic access to the project will be via E. Covell Blvd on the south side of the project. Given the number of homes proposed for this project, I believe this will place a great burden upon the traffic traveling on Covell. I understand that signals at the entrance to the Oak Plaza shopping center on Covell and at the intersection of L and Covell is proposed to mitigate some of the traffic load. I welcome the signal at the intersection as it is often difficult to make a left turn from L street heading north onto Covell heading west, due to the east-west traffic on Covell. But that will only alleviate some of the problem.

There needs to be access to the project on the north and either a road to the north paralleling the railroad tracks to intersect with Road 31, or an under- or over-railroad crossing merging with F street on the west side of the railroad tracks. Alternatively, a road from the project could extend to the east until it intersects Pole Line Road/Road 102. This would mean obtaining either an easement or the purchase of property from the current landowners. I understand the issues with having a railroad crossing, and the noise from the train horn that would result. This is already a big problem with those of us living in the proximity of the tracks in East Davis, and is an issue that should be solved in discussions between the railroad and the City. This is an issue that extends beyond the scope of the discussion re: this EIR; notwithstanding, I believe there needs to be some access to the north or west, especially for those intending to travel in either of those directions (west and south to downtown; north to Woodland).

2. The proposed number of homes is frightening large. It appears that the developers want to cram as many homes as they can fit on the plot. This may help their bottom line, but it is not good for the proposed residents of the new development, nor for their neighbors like me in the surrounding area. The overall density should be decreased by 25%, in my opinion, with more natural buffer areas.

Thanks or taking my comments into consideration,

Mikos Fabersunne
fabersunne@sbcglobal.net
1500 Drexel Drive
Davis, CA 95616
Response to Letter 35: Mikos Fabersunne, Resident of Davis

Response 35-1: The commenter suggests additional project access points and roadway connections. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 35-2: The commenter suggests a reduced number of housing units within the project site. Section 5.0 of the Draft EIR analyzes a range of reasonable alternatives to the project. Per the CEQA streamlining benefits provided by SB 375, a reduced intensity alternative is not required to be included in the EIR, given the project’s consistency with the SACOG SCS. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
Katherine Hess
City of Davis
530 757 5610
23 Russel Blvd., Suite 2
Davis, CA 95616

Re: Draft EIR on The Cannery Project
SCH Number: 2012032022

Dear Ms. Hess:

This letter constitutes comments on the Draft Environmental Impact Report (DEIR) prepared with respect to the project mentioned above. Please be sure that this letter is made part of the administrative record pertaining to this project.

These comments are provided on behalf of Citizens Advocating Rational Development ("CARD"). CARD believes that the EIR is flawed with respect to the following matters:
AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

Of equal concern is that the EIR estimates the total project generated emissions of ROG, NOx and PM10 will exceed their respective YSAPCD Thresholds by at least 200%. Although there are mitigation measures mentioned, they are completely insignificant and reduce projected emissions by a fraction of that which is necessary to comply with the YSAPCD designated thresholds.

This portion of the EIR fails for the following reasons:

1. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project’s projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.

2. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed.

3. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

4. The mitigation measures identified in the EIR are completely inadequate.

   For the foregoing reasons, the EIR is fatally flawed.

WATER SUPPLY & QUALITY

The EIR lists the standard mitigation steps found in most EIR’s but does not provide a clear quantification of the final impact of the project on groundwater quality. Although the DEIR offers
an exhaustive water supply analysis, it fails to adequately address the issue, which in California, is a historical environmental problem of major proportions.

In this regard, the EIR is fatally flawed.

Further, the EIR fails to:

1. Determine reasonably foreseeable development scenarios, both near-term and long-term;
2. Determine the water demands necessary to serve both near-term and long-term development and project build-out (which would have to examine likely development within the totality of the area service area);
3. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
4. Determine cumulative demands on the water supply system;
5. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
6. Identify the environmental impacts of developing future sources of water; and
7. Identify mitigation measures for any significant environmental impacts of developing future water supplies.

For these reasons, the EIR is fatally flawed.

Very truly yours,

Nicholas R. Green
President
2.0 Comments on Draft EIR and Responses

Citizens Advocating Rational Development
Response to Letter 36: Nicholas Green, President: Citizens Advocating Rational Development

Response 36-1: The commenter states that the EIR lacks sufficient data to establish the extent of local emissions contributions to deteriorating air quality and climate change. The commenter also states that the mitigation measures required for air quality emissions reductions are inadequate. Section 3.3 of the Draft EIR includes a detailed discussion of local and regional air quality, including the attainment status of Yolo County with respect to state and federal ambient air quality standards. Section 3.3 includes a detailed discussion of the regulatory environment related to air quality, a discussion of criteria air pollutants and their corresponding health impacts, a discussion of existing ambient air quality monitoring data, and a detailed quantification of emissions generated by the proposed project. The analysis includes a comparison of project-generated emissions to the appropriate thresholds of significance adopted by the Yolo-Solano Air Quality Management District. Mitigation measures to reduce operational air quality emissions to the greatest extent feasible have been included, consistent with the guidance provided in the Handbook for Assessing and Mitigating Air Quality Impacts (Yolo-Solano Air Quality Management District 2007). Issues concerning the effects of global climate change in general on sea level, water supply, snowpack, and agricultural productivity are the subject of a body of scientific research, and are global in effect.

More specific responses to comments included in this letter are provided below.

Response 36-2: The commenter states that the EIR does not adequately address impacts to the project’s source water as it relates to climate change. Section 3.7 of the Draft EIR discusses regional greenhouse gas (GHG) emissions and climate change impacts that could result from implementation of the proposed project. This section provides a background discussion of greenhouse gases and climate change linkages and effects of global climate change. This section is organized with an existing setting, regulatory setting, approach/methodology, and impact analysis.

The analysis and discussion of the GHG and climate change impacts in this section focuses on the proposed project’s consistency with local, regional, and statewide climate change planning efforts and discusses the context of these planning efforts as they relate to the proposed project, consistent with the guidance provided by the CEQA Guidelines.

As described in greater detail in Section 3.7, emissions of greenhouse gases (GHGs) have the potential to adversely affect the environment in a cumulative context. The emissions from a single project will not cause global climate change, however, GHG emissions from multiple projects throughout the world could result in a cumulative impact with respect to global climate change. Therefore, the analysis of GHGs and
2.0 Comments on Draft EIR and Responses

Climate change presented in this section is presented in terms of the proposed project’s contribution to cumulative impacts and potential to result in cumulatively considerable impacts related to GHGs and climate change.

Cumulative impacts are the collective impacts of one or more past, present, and future projects that, when combined, result in adverse changes to the environment. In determining the significance of a proposed project’s contribution to anticipated adverse future conditions, a lead agency should generally undertake a two-step analysis. The first question is whether the combined effects from both the proposed project and other projects would be cumulatively significant. If the agency answers this inquiry in the affirmative, the second question is whether “the proposed project’s incremental effects are cumulatively considerable” and thus significant in and of themselves. The cumulative project list for this issue (climate change) comprises anthropogenic (i.e., human-made) GHG emissions sources across the globe and no project alone would reasonably be expected to contribute to a noticeable incremental change to the global climate. However, legislation and executive orders on the subject of climate change in California have established a statewide context and process for developing an enforceable statewide cap on GHG emissions. Given the nature of environmental consequences from GHGs and global climate change, CEQA requires that lead agencies consider evaluating the cumulative impacts of GHGs. Small contributions to this cumulative impact (from which significant effects are occurring and are expected to worsen over time) may be potentially considerable and, therefore, significant.

Pages 3.7-3 through 3.7-6 provide a discussion of the potential effects of global climate change, including potential impacts to water resources. As described under Impacts 3.7-1, 3.7-2, and 3.7-3 the proposed project’s contributions to global climate change would be less than significant and less than cumulatively considerable. As described under Impact 3.7-3, the proposed project is consistent with local, regional, and statewide plans to reduce GHG levels. Impact 3.15-2 addresses the adequacy of the water supply for the proposed project under existing and cumulative conditions. Additionally, a Water Supply Assessment, consistent with the requirements of SB 610 was prepared for the project. The Water Supply Assessment included an analysis of the available water supply under dry, and multiple dry years. The potential for global climate change to impact future water supply sources was correctly accounted for in the WSA prepared for this project, which meets all applicable State requirements for the analysis of water supply availability, including water supply availability following multiple years of drought. The potential for climate change to alter water supply sources in California does not affect or alter the conclusions contained in the WSA and the Draft EIR. This impact has been thoroughly and correctly addressed in the Draft EIR, and no changes to the Draft EIR are required.

Response 36-3: The commenter states that climate change impacts air quality problems. The commenter is referred to Section 3.3 of the Draft EIR for a comprehensive discussion of the air quality impact.
2.0 Comments on Draft EIR and Responses

of air quality impacts. Air quality impacts were addressed under both existing conditions and cumulative conditions. The methodology used in the air quality analysis is consistent with the guidance provided by the Yolo-Solano Air Quality Management District, and meets all CEQA requirements for a project-level air quality analysis. No changes to the Draft EIR are required.

Response 36-4: The commenter states that the cumulative effects of the project on water supply, air quality and climate change is virtually missing from the EIR. The commenter is referred to Response 36-2 regarding the cumulative impact analysis approach to climate change. The commenter is referred to Impact 3.3-6 for the discussion of this analysis of cumulative air quality impacts in the Draft EIR. The commenter is referred to Impact 3.15-2 for an analysis of cumulative water supply availability. These topics have been thoroughly addressed in the Draft EIR and no changes to the Draft EIR are required.

Response 36-5: The commenter states that the mitigation measures identified in the EIR are completely inadequate. There are numerous mitigation measures contained in the EIR. The commenter does not identify the manner in which these measures are considered inadequate No further response is required.

Response 36-6: The commenter states that the EIR fails to adequately address groundwater quality, but provides no specifics or supporting information regarding this assertion. Water quality is addressed under Impact 3.9-2. The project will have a less than significant impact on groundwater quality. No changes to the Draft EIR are required.

Response 36-7: The commenter states that the EIR fails to determine reasonably foreseeable development scenarios for the near-term and long-term. The near-term analysis in the Draft EIR accounts for existing development at the time the NOP was released for public review. The existing environmental setting relative to each environmental topic addressed in the EIR is clearly identified in each EIR chapter. As described on Page 4.0-2 of the Draft EIR, the cumulative analysis for this EIR is based on the City of Davis General Plan (May 2001) and the Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School (General Plan Update EIR) (January 2000). The cumulative traffic analysis was also based on full buildout of the UC Davis 2003 Long Range Development Plan. The traffic analysis also contained two separate scenarios with differing assumptions for development of the Covell Village project site, which is adjacent to the Cannery site. The first scenario assumed the adjacent Covell Village project site was developed with 1,200 housing units under cumulative conditions. The second scenario assumed the Covell Village project site was developed per its existing Yolo County zoning designation of Light Industrial (yielding 4.6 million square feet of space). These cumulative traffic scenarios and assumptions are described in greater detail in Section 3.14. Given that the air and noise analyses for the proposed project are based upon the traffic data prepared for the project, the air and noise cumulative settings include the same parameters as the traffic cumulative setting. Cumulative project impacts are
addressed and summarized in Section 4.0 of the Draft EIR. No changes to the Draft EIR are required.

Response 36-8: The commenter states that the EIR fails to address the near-term and long-term water demands of the project. The commenter is referred to Impact 3.15-2 which addresses near-term and long-term water demands of the proposed project, in addition to the existing and future demands of the City of Davis municipal water system. This issue has been thoroughly addressed in the Draft EIR and no changes are required.

Response 36-9: The commenter states that near-term and long-term water sources have not been identified in the EIR. The commenter is directed to Pages 3.15-9 through 3.15-14 in the Draft EIR, which clearly and completely identify near-term and future water supplies for the City of Davis, including the project.

Response 36-10: The commenter states that the Draft EIR does not address cumulative water supply system impacts. The commenter is referred to Response 36-7 and 36-8.

Response 36-11: The commenter states that the EIR fails to address the near-term and long-term water demands of the project. The commenter is referred to Impact 3.15-2 which addresses near-term and long-term water demands of the proposed project, in addition to the existing and future demands of the City of Davis municipal water system. This issue has been thoroughly addressed in the Draft EIR and no changes are required.

Response 36-12: The commenter states that the EIR does not address impacts associated with developing future sources of water. The commenter is referred to Responses 36-8 and 36-9. The future water supply sources identified for the City of Davis, which would provide water to the proposed project site, have been thoroughly addressed under their own project-level EIRs. The commenter is directed to the Woodland-Davis Clean Water Agency website (www.wdcwa.com) for copies of the environmental review (CEQA) documents and water supply assessments prepared for the Davis-Woodland Water Supply Project. The proposed project would not result in the need to establish additional water supply sources that have not been addressed under CEQA. No changes to the Draft EIR are required.

Response 36-13: The commenter states that the EIR does not identify mitigation measures for developing future water supplies. The commenter is referred to Response 36-12.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Niki Crucillo <nrcrucillo@gmail.com>
Sent: Sunday, April 07, 2013 10:11 PM
To: Katherine Hess
Cc: Kelly Crucillo
Subject: Cannery EIR Review Comments/Questions

Hi Katherine,

Below are our comments and questions on the Cannery EIR. We live west of the project site, just across F Street, on Aurora Ave.

Please confirm that you received this email. Thanks.

Niki and Kelly Crucillo

1. Schools

The schools in the area (our firsthand experience is with North Davis Elementary) already have increasingly large class sizes. Just this year there was a scramble for the school district to get a second kindergarten class ready in time for the 2012-2013 school year. We commend the district and the teachers for being able to successfully pull it together, but the solution of having two part time teachers splitting one of the kindergarten classes is less than ideal. Considering that the school is underperforming and has the federal Program Improvement status, throwing more students into the mix isn’t going to make things any better.

We don’t think that having the Project pay its impact fees and leaving the school district to sort it all out later should suffice this time. For a project of this size, that will have such a huge impact on the schools, we think the City should seriously consider taking the time to work it out in advance and having a specific plan in place to address these issues before the project commences to make sure that the fees alone are enough to make sure the schools don’t get any worse.

2. Traffic

Traffic on and around Covell Blvd is a serious concern for us. We hope that the City conditions to implement one/some of the Mitigation Measures to improve or at least not worsen the existing LOS. Ideally, the work should be conditioned to occur prior to any Certificates of Occupancy being issued or at least with a date certain specified to guarantee that it actually gets done within a reasonable time frame. The last thing we would want to see is a phased project get partially built then get put on hold or altogether abandoned, with not enough security in place to complete the necessary offsite improvements. We think the City shouldn’t have to settle for an LOS F.
3. EVA

*We could not be any more strongly opposed to the idea of putting an EVA over the railroad tracks.*

The EIR is incorrect about “train warning horns are not currently used during train passages along the project site”. We’ve lived here since 2007 and trains do occasionally blow their horns (we notice it several times per week). We’ve heard them in the early mornings, in the middle of the day, and at night; and they’re loud enough that they have woken up our kids in the middle of the night.

Regarding the establishment of a Quiet Zone, are horns *not required* or are they *not allowed*? We didn’t see where this was clarified in the EIR. We’re not familiar with the standard practices for railways, but if the answer is “not required”, is it a common practice/standard of care for the industry for train operators to blow their warning horns anyways? If so, then this would obviously not be addressing the noise issue.

What about safety and liability? Will the EVA be designed to make it impossible for bikes and pedestrians to get through? If not, it will make for a convenient shortcut and a quiet zone will make it a very dangerous one. Plus, it is our understanding that the quiet zone shifts the liability of any accidents on to the City. Has the implications of that liability been factored into the consideration of this alternative? Of course any loss of life here would be tragic, but the City’s liability will likely be financial and the consequences of that could ripple throughout the community.

Is a Quiet Zone established in perpetuity? I.e. can someone change their mind later and remove that classification from the EVA crossing?

If the EVA results in an increase in the frequency of warning horn usage, it would be a significant, unacceptable impact to our neighborhood, and the railroad crossing option should be abandoned for some other alternative. Widening the entry roads, acquiring an easement to Pole Line are two options that come to mind. We’re sure there are others and I think the City, the Fire Dept., and the developer should work together to find a better solution that wouldn’t have such a negative impact on the neighbors. MIM 3.11-2 states that this “impact would remain significant and unavoidable”. We disagree with “unavoidable”.

4. Urban Farm

We think this could be a good idea but are concerned that this could get abandoned in the future and developed into something that doesn’t fit with the image of the Project that is being presented today. We think that the City should put some kind of *irrevocable* restriction that would prevent this from happening. For example, a restriction that runs with the land to reclaim it back to natural open space if the urban farm doesn’t pan out as intended. It seems like a relatively new concept, and we think it would be wise to have a contingency plan in place to protect the neighborhood. No one wants to buy a house having been promised an urban farm, only to see it rezoned and replaced by an apartment complex 5 years later.

The EIR did indicate that it will be dedicated to the City, but given all the recent budgetary issues, does the City have the resources to afford paying for the operation and maintenance?

5. Others
2.0 Comments on Draft EIR and Responses

We have a concern with construction sending rats, snakes or whatever else, west into our neighborhood. We suggest a condition of approval to place a barrier of some kind, or some other pest management system, prior to any clearing and grubbing operations to prevent this.

Water System – has the City or developer modeled the effects of the new water line connections to the existing systems they’re tying into? With only a 6” line in Faro, a connection there may lead to a noticeable pressure drop for our neighborhood.

Accessibility - We may have missed it, but we didn’t see anything about accessibility and visitability. Will any units be designated as accessible? What percentage will be visitable?

What is that area in the northwest corner of the site that appears to have two roads/paths leading to it along the western and northern property boundary? Seems like a perfect, out-of-the-way spot for people to be doing things they shouldn’t be doing, both nuisance and criminal.

e. Other Railroad Crossings (Figure 2-13, Option 2.) - We strongly suggest that any options that willfully send pedestrians and bikes over the railroad tracks be removed from consideration. This crossing will see a lot of kids passing through and will probably see the occasional drunk person walking home from downtown. These crossings would be a significant life safety risk.
Response to Letter 37:  Niki and Kelly Crucillo, Residents of Davis

Response 37-1:  The commenter states that the project should be required to provide mitigation in addition to the applicable fees to offset impacts to local schools. State law imposes strict restrictions on school impact fees to mitigate impacts on schools. These statutes set per-square-foot limits on school fees that may be assessed by school districts, cities, or counties for new construction, residential development, and commercial and industrial development, with adjustments for inflation. See Government Code section 65995. In Goleta Union School District v. Regents of the Univ. of Cal., (1995) 37 Cal.4th 1025, the court held that school overcrowding is a social impact and does not require analysis in an EIR and mitigation, unless the overcrowding is linked to physical environmental effects (such as new school construction). The project site has been annexed into the Davis Joint Unified School District Community Facilities District #2, which will provide for assessment of special taxes in the project area to fund school facilities and as alternative to paying statutory school facilities fees. No additional mitigation is required.

Response 37-2:  The commenter expresses concern over traffic on Covell Boulevard and encourages the City to implement one or some of the mitigation measures to improve levels of service. This comment is noted. One or more of the mitigation measures identified in Section 3.14 will be required to be implemented as a condition of project approval. The condition will have a specific timeline, such as date or specified number of units built, for construction of the mitigation measure.

Response 37-3:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 37-4:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 37-5:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 37-6:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 37-7:  This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 37-8:  The commenter suggests that the City place an irrevocable restriction on the proposed urban farm that would prevent future development from occurring on this portion of the site. This is a project design preference, but not a comment on the adequacy of the Draft EIR as an informational document. If future development were to be proposed on the urban farm, this future development would not be covered
2.0 Comments on Draft EIR and Responses

under the environmental documentation prepared for the Cannery Project, and would be subject to additional CEQA review. It is noted, however, that non-agricultural uses are not proposed or anticipated within the urban farm area after construction of the project. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 37-9: The commenter asks if the City has the resources to pay for the operation and maintenance of the urban farm. This comment does not relate to the analysis contained in the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 37-10: The commenter suggests inclusion of a condition of approval requiring a construction barrier to prevent the migration of pests from the project site during the construction phase of the project. The City is not aware of a high or unusual number of pests located on the project site. It is unlikely that construction would result in the migration of pests to the west during construction activities, because of the barrier presented by the railroad tracks and drainage channel. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 37-11: The commenter asks if the City or the developer has modeled the effects of the new water line connections to the existing system, and if the project would result in a loss of water pressure. The new water lines must meet all applicable City of Davis water supply infrastructure engineering criteria. The Department of Public Works shall ensure that the City’s water system continues to maintain adequate water pressure. The City has selected a consultant to perform modeling of the City’s water system to ensure system pressures meet requirements.

Response 37-12: The commenter asks if all units will be designated as accessible and what percentage will be visitable. The project must comply with all applicable ADA requirements, and many of the residential units constructed in the project will incorporate Universal Design concepts, subject to review and approval through the Eskaton Livable Design Program. Issues related to access are not environmental issues subject to the requirements of CEQA.

Response 37-13: The commenter asks what the area in the northwest corner of the site would be used for. The area in the northwest corner of the site would be used for drainage, open space, and agricultural buffer uses. The project includes public access to the path at the southern edge of the drainage facility, along with pedestrian amenities and an overlook. Public access to the access road at the northern edge of the property is not proposed at this time. Fencing for the homes at the northern edge of the project will be designed to preserve views to the open space areas.
Response 37-14: The commenter expresses opposition to the Option 2 off-site bicycle path connection shown on Figure 2-13. This Option would provide a grade-separated crossing over the railroad tracks, similar to other railroad and freeway crossings in Davis. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
To: Katherine Hess  
City of Davis  
Community Development and Sustainability Department  
23 Russell Blvd.  
Davis, CA 95616  

From: Pam Nieberg  
3010 Loyola Drive  
Davis, CA 95618  

Re: Cannery Project Draft Environmental Impact Report, SCH# 2012032022  

Dear Ms. Hess:

Thank you for the opportunity to comment on the DEIR for the proposed Cannery project. I have several concerns with this project which I review below.

**General Comments.**

The Cannery is being presented as a “green” project that would further the City’s goals of reduction in GHGs and serve as a model for sustainable development. Village Homes, though several decades old, contains more sustainability features than the Cannery proposal. The Cannery project, if built as currently planned, would be essentially typical sprawl development, but worse. Though state law requires GHG emissions to be considered for new development, the Cannery project DEIR does not consider GHG emissions related to vehicle trips generated as a result of the project when it calculates the projected GHG emission reduction targets for the project. Mitigation suggested for traffic impacts at several intersections is to install more traffic lights. Adding traffic lights leads to increased automobile idling time, which increases emissions. Public transit is not easily accessible, nor are safe bike routes, making it less likely that residents of the project will seek alternatives to automobile use.

Davis had a great example of an environmentally sensitive, sustainable, and innovative project in the Wild Horse Ranch project. Unfortunately, that project was defeated in a Measure J vote. However, we can still learn from that project what is possible to achieve in meeting and exceeding local and state energy and environmental goals, while still affording a reasonable profit for the builder. Those of us who supported that project did so with the hope that it would set the bar for future residential development in Davis. Why are we now even considering a project that makes no attempt to even approach the goals set by the WHR proposal?

For example, the WHR proposal offered:

- 100% solar on all units, including apartments, for an average of 2.4 KWs per household and a total of 458 KWs of clean solar power.
- 90% green house gas emission reduction on site, double the City’s recommendation.
- The proposal would have exceeded the City’s established emission thresholds, standards, and mitigation guidelines by 100%.
- Solar water heaters.
- The project would have exceeded Title 24 conservation standards by 50%.
2.0 Comments on Draft EIR and Responses

- The latest technology in green construction and design including wall and roofing materials and recycled construction products.
- High efficiency heating and air, reflective roofs and walls to reduce solar gain.
- Reduced water consumption with the use of water-efficient irrigation and water saving features and use of drought tolerant and native species in landscaping.
- An ag well on the property that does not draw from the City’s drinking water aquifer to provide water for green belts and open spaces.
- Permeable pavement and bioswales to slow run-off and increase infiltration.
- 40 apartment units that were 100% accessible for the elderly and those with disabilities. Many of the single family homes would also have met accessibility and visitability standards.
- More than 37% of the property was set aside as open space.

In contrast, the Cannery applicant is proposing only to provide “opportunities” for photovoltaic systems on single family homes, high density residential and commercial and office structures. Units would be built and wired for rooftop photovoltaic systems, but it would be up to the buyer to decide whether or not to actually install the system. The applicant proposes to work with the City and Davis Energy Group to offer upgrade options on single-family homes. These options would result in further energy reductions beyond the performance of the base homes. These packages have not been developed, but could include three upgrades, including a net zero electric option, which would have roof top PV to offset the projected electrical use of the home. Assumptions are that up to 10% of single family detached homes would be built with each of the three options.

It would be much better for the buyer in the long run to have the homes and commercial units built with rooftop PV from the outset. The City should require that all residential units, whether single-family or multi-family, as well as all commercial and office space have sufficient roof top or other solar to fully offset all electrical energy use in the project. One suggestion by the Natural Resources Commission at their recent meeting, was for 1 kw of PV per bedroom in single-family homes with a maximum 3 kw requirement unless it can be demonstrated that a smaller system can achieve net-zero energy. The ultimate plan should achieve net zero electrical energy for the entire project.

The applicant is not proposing to include accessible units, but “to the extent possible” to address the City’s housing policy to support aging in place by including a bedroom and bath on the first level in as many low and medium density units as feasible. This is not assured however, but is simply a nod to the policy.

Affordable units for very low, low and median income housing would be provided as a mix of a multi-family rental project (most likely standard apartments), accessory dwelling units (which would be granny flats either over garages or as a small accessory dwelling), and rental units in the mixed-use site, which would apparently be live-work units. The project is offering no for-purchase housing for low incomes and no units with a yard. The project should offer some for-sale affordable housing for low income families.
2.0 Comments on Draft EIR and Responses

There is little detail re permeable surfaces and bioswales to aid in infiltration or use of drought tolerant and/or native plants in all landscaping areas, such as parks and greenbelts, to conserve water. The project should provide permeable surfaces for roads and sidewalks to aid in infiltration and all landscaping should utilize drought resistant and/or native plants to conserve water.

The project does not begin to approach the energy and environmental goals set by the WHR project. It is, in fact, very similar to the Covell Village project that was soundly defeated in a Measure J vote. We should be holding this project and all future developments to the higher standards shown to be possible ith the WHR proposal.

**Alternative.**

Davis needs land for light industrial/high tech development. This is the last large parcel in the city that is zoned for these uses. As a consequence of the lack of good land for business parks and high tech industry, the City has established a task force to identify land for these uses. If we lose the Con Agra site to housing, the only possibilities for business park development would be outside the city on peripheral land that is in the county. This would require annexation of the land into the City, a Measure J vote (and there is no guarantee it would pass) and a revenue-sharing agreement with the county that would mean less revenue to the City. If we lose this parcel, we lose much of our ability to provide land for high tech development in Davis. A business park viability study done for the Con Agra site in 2008 demonstrated that the site is a viable and competitive location for a business park and would be in a strong position to capture future business park demand.

The City should be encouraging high tech uses in the City in conjunction with the University rather than advocating for another housing development. We need economic development and good jobs in Davis, not more housing. Residential developments are nearly always net financial losses for the community that must provide services. Despite the representations by City staff and the applicant that the Cannery project could be made revenue neutral, this has not been demonstrated. A thorough fiscal analysis would be needed to demonstrate this, but, despite repeated requests by concerned citizens and council members, a fiscal analysis has not been done. It is imperative that a fiscal analysis be done before moving forward with the Cannery housing project.

This site should remain zoned to accommodate business park/high tech uses and should be aggressively marketed as such. We do not need more housing at this time.

**Agriculture and Forest Resources.**

There are problems with placement of an urban farm within the Ag Buffer/Ag transition area on the east side of the project. The City’s Municipal Code Section 40A.01.050 states that all new developments adjacent to designated agriculture (among other designations) shall be required to provide an ag buffer/ag transition area to separate residential from agricultural uses. The ordinance states that the buffer/transition area shall be a minimum of 150 feet from the edge of the agricultural, greenbelt or habitat area, but in consideration of the 500 foot aerial spray setback established by the county, a buffer wider than 150 is encouraged.
The Cannery project proposal includes a 150 foot wide buffer/transition area on the north and east where the project boundaries abut actively farmed land. However, on the east, part of that buffer/transition area would be an urban farm. The DEIR concedes that this could present a land-use compatibility issue. Ag activities can result in noise, dust and odors that may be perceived as nuisances by nonagricultural neighbors. Other practices, such as pesticide application may be a public health issue. Since some of the proposed agricultural practices in the urban farm area may be incompatible with residential uses in the project, and conducting farming in the 150 foot buffer area can narrow the distance separating these uses, Mitigation Measure 3.2-1 is proposed.

This Measure states that agricultural activities on the urban farm shall comply with certain measures:
- Organic farming practices and use of “organic” pesticides and fertilizers is encouraged.
- No aerial spraying would be permitted.
- Tilling, earth movement and fertilizer and pesticide application shall not be permitted when wind conditions would result in offsite drift.
- Application of fertilizer shall be performed in a manner to minimize odor impacts on nearby residential areas.
- Use of mechanical equipment shall be limited to between 6 a.m. and 10 p.m.
- Ag areas will be maintained to provide adequate drainage and minimize pooling of water.
- Commercial composting for sale will be prohibited.

But though these practices are strongly encouraged, this is not necessarily something that can be mandated and enforced, and farming practices in the urban farm area could impact residential uses on the Cannery site and vice versa. The buffer should be wide enough to accommodate that potential impact. For example, if the urban farm area is 50 feet wide, the buffer between it and residences in the Cannery project would be only 100 feet, not 150 feet. More space should be added to the buffer/transition area on the east side to provide a 150 buffer between residential uses on the Cannery site from the urban farm. The same would be an issue if the Covell Village site were ever developed with housing.

Though the DEIR states that there would be no loss of prime farmland, unique farmland or farmland of statewide importance, and that this property is not zoned or designated for agricultural uses, it is apparent that the northern part of the site has been used for tomatoes and for winter wheat. During a biological survey site visit in October 2011, the northern-most section of the site was planted in tomatoes. In another survey in September on May 2012, winter wheat had just been harvested.

More importantly though, all of the soils on the site (Sycamore silty clay loam, Yolo silty clay loam, Rincon silty clay loam, and Yolo silt loam), with the exception of a section to the north east (Pescadera silty clay, saline-alkali and less than 25% of the total site area) are considered to comprise prime farmland with irrigation. Therefore, most of the site is prime farmland, though not designated for ag and not currently irrigated. This development would permanently remove prime farmland from any potential agricultural uses. The project proponent should be required to mitigate for this permanent loss of prime farmland.
Air Quality.
The project lies within the Sacramento Valley Air Basin (SVAB). The mountains that surround the SVAB create a barrier to air flow that can result in trapping of air contaminants under certain conditions. The greatest problem with air stagnation in the SVAB occurs in the fall and early winter when large high pressure systems collect over the Valley. Air pollutants become concentrated in a stable volume of air and concentrations are highest when temperature inversions trap pollutants near the ground. The ozone season in the Valley is May through October, and is characterized by stagnant air until and unless the delta breezes arrive later in the day to transport the pollutants out of the Valley.

The Federal EPA has identified six criteria pollutants as indicators of air quality and has established for each a maximum concentration above which adverse effects on human health can occur. These are the National Ambient Air Quality Standards or NAAQS. The criteria pollutants are ozone, a highly reactive photochemical oxidant that damages lung tissue, reduces lung function and sensitizes the lungs to other irritants; carbon monoxide, a colorless, odorless and toxic gas that reduces delivery of oxygen to the body’s organs and tissues; nitrogen dioxide, a highly reactive gas that can irritate lungs, cause bronchitis and pneumonia, and lower resistance to respiratory infections (Nitrogen oxides are important precursors to ozone and acid rain); sulfur dioxide which affects breathing and may aggravate existing respiratory and cardiovascular diseases at high levels; particulate matter, including respirable PM10s and fine particulate PM2.5s, include dust, dirt, soot, smoke, and liquid droplets that are emitted by factories, power plants, cars, construction activity, fires and natural dust. These fine particles can enter the lungs and increase the risk of respiratory diseases, and cause lung damage and cancer. The final criteria pollutant is lead which can cause seizures, retardation, and behavioral disorders. In addition to the criteria pollutants, Toxic Air Contaminants (TACs) are another group of concern.

Existing air quality concerns within the City of Davis and the SVAB are related to increases of regional criteria pollutants (ozone and particulate matter), exposure to TACs, odors and increases in GHG emissions. The primary source of ozone pollution is motor vehicles which account for 70% of the ozone in the region. Yolo County has a state designation on non-attainment for ozone and PM10 and is in attainment for all other criteria pollutants. The county has a national designation of non-attainment for ozone and PM2.5 and is either in attainment or is unclassified for all others.

The Yolo-Solano Air Quality Management District has the primary responsibility for compliance with both the federal and state standards and for ensuring that air quality conditions are maintained.

According to CEQA Guidelines and the YSAQMD policy guidelines, a project would have a significant impact on the environment if it:
- conflicted with an applicable air plan;
- caused a violation of any air quality standard or contributed substantially to an existing or projected air quality violation;
- resulted in cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment;
- exposed sensitive receptors to substantial pollutant concentrations;
• created objectionable odors affecting a number of people.

The AQMD provides project-level thresholds of significance for PMs less than 10 micrometers, CO, and precursors to ozone (ROGs and NOx).

The Cannery project satisfies three of the criteria above. It has the potential to cause a violation of an air quality standard and to contribute substantially to an existing or projected violation; it can contribute to cumulatively considerable increases to a criteria pollutant for which the area is in non-attainment (ozone and PM 10); it has the potential to expose sensitive receptors to substantial pollutant concentrations.

The Cannery project would cause a significant and unavoidable impact on air quality both direct and indirect, in that it would generate and attract a significant number of vehicle trips in the area and would increase area source emissions. Mobile sources would be entirely from automobiles, and area source emissions would be from use of gas fuel combustion, hearth fuel combustion, landscape fuel combustion, consumer products and architectural coatings. To help toward reducing the impacts on air quality, several mitigation measures are proposed to:

• Incorporate green building designs into the residential and commercial components of the project.
• Incorporate design features that reduce vehicle emissions by increasing use of alternative modes of transportation.

However, the percent reductions achieved with implementation of the mitigation measures would not bring project-specific emissions below the YSAQMD’s thresholds of significance for ROG, NOx or PM10. Therefore, implementation of the project would have a significant and unavoidable impact on air pollution.

Perhaps with utilization of 100% solar on the project, better pedestrian and bike connections, better availability to mass transit, and development of safe biking routes the project could reduce its emissions to bring this impact to less than significant, but the DEIR does not propose any of these possible measures to reduce emissions. In fact, the proposal would provide minimal solar and few inducements to get people out of their cars.

In the discussion of carbon monoxide impacts, the argument is presented that since the project does not cause a reduction in service on one or more streets or at one or more intersections in the project vicinity to an unacceptable level (usually E or F) or substantially worsen an already existing peak-hour LOS F, no further modeling of CO impacts is warranted. In the traffic impact study, no existing or future street or intersection was forecast to operate at a LOS of F following implementation of recommended mitigation. It was then concluded that the project would not result in an air quality violation for CO and would represent a less than significant impact.

However, the project does reduce the LOS levels on some streets and at some intersections from A or B to D or E, and much of the mitigation for problems with traffic flow on these streets and intersections is to install more stop lights, which will mean more and longer intervals of idling of vehicles thereby increasing emissions. This would contribute to increased emissions including CO. Considering these conditions, further modeling of CO impacts might be warranted.
As noted above, Davis is already in a non-attainment area for ozone and small particulates. Ozone is a strong irritant that can lead to asthma, chronic bronchitis and cardiovascular diseases. Small particulates can enter the lungs and cause damage to the alveoli, the tiny air-sacs where air from the lungs is transferred into the bloodstream. These particles can also carry carcinogens and other toxins into the lungs. Addition of a new development that will add roughly 10,000 to 12,000 vehicle trips per day will only exacerbate this problem. Automobile exhaust adds to the levels of small particles in the air we breath. Asthma rates are at an all-time high, especially in children. Studies have shown that children living near heavily traveled roads are especially prone to respiratory diseases. Addition of this project will certainly have serious impacts on health.

A study released by the Office of Environmental Health Hazard Assessment (OEHHA) on October 19, 2004 (Release No. 04-09) shows that even in areas with good regional air quality (this is not Davis) air pollution from nearby traffic may pose a health risk. This study shows a link between air pollution from traffic and respiratory symptoms in children. The study found higher rates of asthma and bronchitis in children living and attending school near higher levels of traffic-related air pollution. (This study was a collaboration of OEHHA and the Lawrence Berkeley National Laboratory and was published in the September 1, 2004 issue of the American Journal of Respiratory and Critical Care Medicine.) There are two schools within a mile of this location. Implementation of this project would put sensitive receptors next to a roadway carrying roughly 30,000 vehicles per day and exposing them to the toxic vehicle emissions.

Under YSAQMD standards, a development project is considered to contribute substantially to an existing violation of the California Ambient Air Quality Standard if it emits pollutants at a level equal to or greater than 5% of the CAAQS. In the Draft EIR under Air Quality, it is acknowledged that the addition of the vehicle traffic generated by the Cannery development would have effects not only on local air quality but on regional as well. In Table 3.3-6, source totals for ROG are 24.75 tons per year, more than double the threshold; area source totals for NOx are 21.13 tons, more than double the threshold, and area source totals for PM10 if 194.49 pounds per day more than double the threshold. Under current YSAQMD standards, the Cannery project will contribute substantially to existing levels of these three pollutants and these impacts cannot be mitigated to less than significant.

Despite proposed mitigation designed to reduce air pollution, emissions produced by implementation of the proposed project would exceed the YSAQMD thresholds of significance for ROG, NOx and PM10. Therefore, the air quality impacts would be significant. None of the mitigation measures can reduce these impacts to less than significant. The impacts on air quality are highly significant and unavoidable if the project is built.

If the substantial impacts this project would pose on air quality and human health cannot be mitigated to less than significant, the project should not be permitted to move forward.

**Biological Resources.**
The Cannery property contains a number of habitat types including seasonal wetlands, a number of native Valley Oaks along with several other species of trees, a riparian area, and drainage channel. Habitat types in near-by vicinities include riparian woodland, marshland, marshy
2.0 Comments on Draft EIR and Responses

wetlands, ponds, and channels of Willow and Dry Sloughs. The northern section has been farmed in tomatoes and there has been winter wheat on portions of the site. A search of the California Natural Diversity Database, CNPS’s Inventory of Rare and Endangered Plants, the US Fish and Wildlife Service’s endangered and threatened species lists, and observations from local experts revealed 40 special status species within the region. Special status animal species within 10 miles of the site include Pallid, Hoary and Silver-haired bats; tricolored blackbird; burrowing owl, Swainson’s Hawk; mountain plover and white-tailed kite. 14 species of special status plants were identified within 10 miles of the site.

Multiple field surveys were also conducted between 2002 and 2012. Unfortunately, most of the surveys conducted appear to have been done for the purpose of identifying jurisdictional wetlands. In addition to those, one survey by Gibson and Skordal in May of 2011 was confined to the northern half of the project site to look for nests or burrows of any species listed on the CNDDDB. G and S did a follow-up survey on August 1, 2011. A plant survey was done on the entire site by Gibson and Skordal on October 26, 2011, May 2, 2012, and May 4, 2012. A reconnaissance survey was done by De Novo Planning on March 27, 2012.

Surveys revealed that potential habitat for both western pond turtle and giant garter snake exist at the offsite improvement site. Mitigation measures including surveys within 24 hours of construction activity would most likely adequately address impacts to these species and their habitat on the site.

Many species of raptors and other birds could be expected to be on the site including burrowing owls, Swainson’s Hawk, red-tailed hawk, white-tailed kite, northern harrier, cooper’s hawk, loggerhead shrike, nuttall’s woodpecker and tri-colored blackbird. Surveys identified suitable nesting and/or foraging habitat for most of these species on the site.

Surveys revealed the presence of several burrows suitable for burrowing owls, but found no evidence that the burrows were occupied at the time of the surveys. There are also many large trees on the site that would provide habitat for Swainson’s hawk and other raptors. Surveys did not reveal active nests at any time, but the site has the potential for foraging habitat for many raptors and other avian species. In addition, Swainson’s hawks are known to forage and nest on the Covell Village property next to the project site, so it would not be unexpected to find the same true for the Cannery site.

Mitigation measures for the loss of Swainson’s hawk habitat are not adequate. Mitigation Measure 3.4-4 states that no more than 30 days prior to commencement of construction, the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting raptors. If any Swainson hawks or active nests are found on the site, offsite improvement site, or in the immediate vicinity, the proponent will consult with the CDFW and obtain an incidental take permit from the CDFW. Conducting a survey and obtaining a take permit are not mitigation. It is not clear what happens if nesting Swainson’s hawks with young in the nest(s) are found on the site during the survey. Does the take permit allow destruction of the nest and young? Or does it require protection of the nest tree until the young fledge? This is not clear, and appropriate mitigation must be defined for the purposes of this EIR. Appropriate mitigation would be to cease construction activity in the vicinity of any active nest and avoid the nest until
the young fledge. The mitigation would also include establishment of a buffer sufficient that construction noise and disturbance does not cause abandonment of any active nest. The actual mitigation that would be implemented should have been stated in this DEIR. Appropriate mitigation should be reflected in a new DEIR or addendum so that the reviewer can determine whether it is adequate for protection of nesting Swainson’s hawks.

However, if/when the nest site trees are ultimately removed, there will be a loss of the nesting habitat for the hawk on this project site and a net loss for the region. Trees planted in the development are unlikely to serve as appropriate nest sites, and, if they potentially could, they would not reach adequate size for many years.

Mitigation Measure 3.4-5 requires that the proponent provide compensatory foraging habitat on a 1:1 basis for loss of Swainson’s hawk foraging habitat. The mitigation is for 48.6 acres, yet the site is 100 acres. All of the 100 acres provides potential Swainson’s hawk foraging and nesting habitat. The compensation should be for loss of 100 acres of this habitat. However, even with mitigation, there will be a net loss of Swainson’s hawk nesting and foraging habitat at this site and in the region.

Mitigation for loss of burrowing owl nesting and foraging habitat is not adequate. Mitigation Measure 3.4-3 states that no less than 14 days prior to initiating ground disturbance activities, the proponent will complete an initial take avoidance survey. Avoidance and minimization measures would be triggered if the initial survey results in the detection of the presence of active burrows on the site. If needed, development of avoidance measures would be accomplished with the coordination of the CDFW. The particular avoidance measures are not described, but presumably they would be to avoid the nest sites within a 160 foot buffer zone during nesting season, until the young fledge. Then, passive relocation of the occupants of the burrow would take place to allow construction activities to commence. The actual avoidance measures should have been described in the DEIR so that the reviewer could determine if they were appropriate and sufficient. This should be reflected in a recirculation of the DEIR or an addendum.

Passive relocation can only work if there are nearby, unoccupied burrows that are appropriate for the owl. This is unlikely. Also, appropriate and vacant burrows must be near enough for the owl to find before the owl becomes prey to a hawk, dog or cat. Passive relocation generally does not work. There will be a permanent loss of burrowing owl habitat and of any owls that occupied the site. Acquiring suitable land elsewhere does not make up for the loss on site. There will be net loss of burrowing owl habitat in the region.

Burrowing owls are being extirpated from their range in much of the state. Their populations declined 60% from the 1980’s through the 1990’s. They continue to decline at 8% per year. 80% of the population in California resides on 2% of the state’s land, in the Imperial Valley. The owl is a species of special concern and deserves listing as threatened or endangered. We have already seen complete extirpation of the owl on the University campus and in other areas of the city. The once large colony of burrowing owls on Mace Ranch park, retail and school site property has disappeared. The once thriving colony at the Wildhorse ag buffer is in steady decline due to predation and improper maintenance of burrowing owl habitat there.
Again, the applicant is providing compensation for only 48.6 acres of mitigation land to make up for the loss of 100 acres of potential burrowing owl habitat. The mitigation should be for 100 acres.

Mitigation for loss of potential habitat for three species of bats is also not clear. Mitigation Measure 3.4-6 provides that no more than 30 days prior to start of construction, the proponent shall retain a qualified biologist to perform a preconstruction survey for protected mammals. In the event that they are found on the project site, offsite improvements site or in the immediate vicinity, the proponent shall consult with the CDFW and obtain an authorization in accordance with the regulations protecting the species. Consulting and obtaining authorization to do something are not mitigations. Do what? Go ahead and destroy the habitat? How is that loss to be mitigated? This should be defined so that the review of this DEIR can determine if any mitigation proposed is adequate. This must be clarified in a new DEIR or addendum.

The offsite improvement site contains riparian habitat along the F Street Channel. This would be permanently disturbed due to construction activities. Mitigation Measure 3.4-7 requires that the offsite improvement activities minimize damage to the riparian habitat and for areas that do require permanent disturbance for the offsite improvement, the loss shall be mitigated by preparing a restoration plan that includes restoring riparian habitat along the F Street channel (or another location). Unfortunately, the habitat will be largely eliminated during construction, and due to lack of clarity in many of the proposed mitigation measures, it is not assured that the riparian habitat can or will be appropriately restored. This is a significant impact. The actual plan and expectations of success should have been included in the DEIR for the reviewer to evaluate. This should be included in a recirculated DEIR or addendum.

Trees on the project should not be removed, but incorporated into the project design.

**Greenhouse Gases and Climate Change.**

There are a number of problems in determination of total impacts resulting from GHG emissions from the project. The number of housing units used to determine how to bring the project into compliance with City standards for GHG emission reduction goals was too low. The analysis for GHG generated by commercial/mixed use was based on 122,390 square feet of commercial/mixed use, while the project description allows for up to 236,000 square feet of commercial/mixed use. The DEIR does not even consider GHG emissions resulting from vehicle trips generated by the project. The DEIR concedes that there would be violations of air quality standards due to vehicle trips which are significant and unavoidable even after mitigation. Project specific and cumulative impacts on air quality and GHG emissions are found to be significant and unavoidable. The City has set goals for reduction of GHG emissions over the next decade, but this project as presently proposed would most likely cause emissions to increase. We are not going to meet GHG emission standards if we do not increase non-motorized transportation, and this project does little to assist in that goal. The location of this project makes accommodating bicyclists difficult. This project as proposed cannot meet the City’s goals for GHG reductions, and in fact will contribute to significant increases in GHG emissions.
2.0 Comments on Draft EIR and Responses

The Davis Climate Action and Adaptation Plan is designed to move the community toward the GHG emission reduction targets adopted by the City in 2008. These targets were based on a range using the targets set by the State as a minimum goal and with deeper reductions the desired outcome. For example, for Davis, 2010 goals were to reduce GHG emissions to a minimum of 2000 levels with 1990 levels being the desired goal. For 2012, 1998 levels minimum with 7% below 1990 levels a goal, and so on. By 2020, the city anticipates a minimum target of 1990 levels and a desired target of 28% below 1990 levels.

In 2009, Davis adopted a resolution establishing GHG emission thresholds, standards and mitigation guidelines for new residential development. These are used by the city to determine a project’s GHG emissions impacts and for negotiating development agreements. The standards and appropriate mitigation guidelines vary by the number of units in the project. Projects may also receive credits for GHG reductions based on density and proximity to transit. However, these reduction thresholds and standards expired in December 2010 and have not been updated. Nevertheless, they were used to determine the GHG emission reduction requirements and mitigation measures, as they are referred to as such in the DEIR.

The California Office of Planning and Research recommends that lead agencies under CEQA make a good faith effort to estimate the quantity of GHG emissions that would be generated by a project, to determine whether impacts would result in significant environmental impacts and where feasible, to mitigate any project or cumulative impact deemed to be potentially significant. The lead agency must consider the extent to which the project raises or lowers GHG emissions as compared to existing conditions; whether project emission exceed a threshold of significance; and the extent to which the project complies with regulations or requirements adopted to implement statewide, regional or local plans for reduction or mitigation of GHG emissions. Climate change related impacts are considered significant if they generate GHG emissions directly or indirectly that may have a significant impact on the environment and/or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

To determine whether or not a project would generate GHG emissions that would have a significant impact, the DEIR relies on the project’s compliance with the City’s GHG emission thresholds, standards, and mitigation guidelines. From this the City determines the projects GHG emission standards.

Housing GHG Emission Reduction Goals.
In the DEIR, residential emissions were determined for the project based on 551 residential units. To achieve 1990 levels of GHG emissions, each unit would be required to reduce from a baseline of 5.5 MT CO2 to 3.1 MT CO2e, a 44% reduction. For 551 units, a reduction of 1322 MT CO2e is needed. However, in the project description, 551 is only the base number of units. There is a potential for an additional 64 units (granny flats) in the form of either an accessory detached unit or over the garage unit. This brings the total number of separate living units to 615. Therefore, the actual reduction needed for residential contributions to GHG emissions to bring the project into compliance with City standards (achieve 1990 levels of GHG emissions) is 1476 MT CO2e.

To meet the GHG reduction goals, certain assumptions are made. The project is receiving credits based on a total of 7% reduction of GHG emissions for its high and medium density
component and a total of a 7% reduction due to proximity to transit. This assumes that ultimate build out is as presented here, and that people are going to utilize that transit. In the event the assumptions are accurate, these reductions result in total credits of 218 metric tons per year reduction in GHG emissions for the residential portion of the project. To comply with the City’s residential GHG emissions levels, the project must demonstrate a total further reduction of 1105 metric tons of CO2e for the project (or 1258 if you factor in the 64 granny flats.)

The calculation for residential GHG production from the project and resultant reductions needed to meet 1990 levels are based on total number of residential units of 551. The actual number of residential units, based on the addition of up to 64 granny flats, is 615, and this number could also be higher if more of the single family homes request accessory units. Therefore, the GHG reduction goals are too low.

Commercial/Mixed Reduction Goals.
GHG emissions from the non-residential component are more difficult to determine given that the total square footage has changed and may change again, and the GHG emissions would depend on the type of business occupying the non-residential component. The EIR makes an approximation based on total MT CO2e for non-residential uses in 1990 and the total square feet of non-residential land uses in 1990. That resulted in a value of 8.94 MT CO2e per 1000 square feet of non-residential development at 1990 levels. Table 3.7-7 evaluates the GHG emissions for the commercial/mixed use component. The table uses the figure of 122,390 total square feet of non-residential uses and calculates the GHG emissions based on energy used for the various types of these uses. The total GHG emissions for the non-residential portion of the project are 829 MT CO2e which equates to 6.77 MT CO2e per 1000 square feet, lower than 1990 levels. However, since the project description allows for up to 236,000 square feet of commercial/mixed use, the actual GHG emissions generated by the non-residential component of the project could be much higher and could exceed 1990 levels by a considerable amount.

GHG Emissions from Vehicle Trips
The analysis made for the project did not include an assessment of GHG emissions resulting from vehicle trips generated by the project. The reason cited refers to SACOG’s adoption of its Sustainable Communities Strategy required by Senate Bill 375. The adopted SCS promotes and encourages development in areas defined by SACOG as Transit Priority Areas (TPAs) which are defined as areas that are within one-half mile of a major transit stop (existing or planned light rail, street car or train station) or an existing or planned high-quality transit corridor included in the MTP/SCS. SB 375 establishes CEQA streamlining incentives to assist and encourage residential and mixed use projects consistent with the SCS and in particular projects with TPAs. The CEQA streamlining benefits are for residential and mixed use projects that are consistent with the general land use designations, density, building intensity, and applicable policies specified for the project area in the SCS. An EIR prepared for a project that is consistent with the SCS is not required to reference, describe or discuss growth inducing impacts or project specific or cumulative impacts from cars or light-duty truck trips or global climate change or the regional transportation network if the project incorporates mitigation measures required by an applicable prior environmental document. As described in Impact 3.7-2, the project is consistent with SACOG’s SCS and as such an analysis of the GHG emissions contributed by vehicle trips.
2.0 Comments on Draft EIR and Responses

was not required, hence the EIR does not include any analysis of potential impacts from car and light duty truck trips generated by the project on GHG emissions.

Despite the convoluted reasoning to make this project exempt from consideration of vehicular GHG emissions, these contributions should have been included in the determination. Vehicular GHG emissions make up roughly 40% of emissions from all sources, and this is a significant contribution to GHG emissions. And it is not clear what previous applicable prior environmental document is referred to in the preceding paragraph.

This project will result in roughly 10,000 to 12,000 more vehicle trips on Covell Blvd. alone, a more than 50% increase over the present number of vehicle trips. This will result in significant increases in GHG emissions over the current levels. This contribution to the GHG impacts of this project were not even considered because the project purports to be consistent with SACOG’s SCS. This project is not part of SACOG’s SCS nor does it lie in any TPA. And part of the requirement for an exemption from discussing project specific or cumulative impacts from cars or light trucks is that the project incorporates mitigation measures required by an applicable prior environmental document. What is this document?

To achieve the remaining required reductions, the project proponents claim that the project will exceed Title 24 requirements by 40%. This too is an assumption, but if true, would account for 855 metric tons of CO2e. The analysis is also based on the assumption that a certain percentage of home buyers will avail themselves of Update Options and Zero Net Energy Options to achieve the remainder of the reductions. However, GHG emissions from cars and light trucks, which were not considered as part of the GHG evaluations, would probably offset any of these savings.

This project does not meet the City’s requirements for meeting 1990 levels of GHG emissions, nor can the proposed mitigation measures result in the required reductions in GHG emissions, especially when contributions to GHG emissions from cars and trucks are not even considered. There are also several assumptions made regarding non-vehicular transit and mass transit that in general are probably overly optimistic.

This project will contribute significantly to GHG emissions in Davis and the region and these contributions to air pollution cannot be mitigated under the current proposal. The entire project needs to be reconsidered in relation to air quality and GHG emissions and mitigations adopted that will reduce these contaminant levels to less than significant.

Hazards.
Hazardous Materials.
The project has been studied in the past for the presence of hazardous materials. The Phase I ESA demonstrated the potential for subsurface soil and/or groundwater impacts at the processing plant in connection with former USTs, the former hazardous materials storage area, an underground oil/water separator, and several stained areas, at two maintenance areas and at two battery charging areas. Shallow soil conditions are unknown at the location of a former green house, along two on-site rail spurs and near the on-site transformers. The potential also exists for two 400 or 500 gallon USTs to remain on site at the Pump House and for a 1000 or 3000 gallon UST to be present south of the boilers. Elevated total metal concentration above
State water quality goals were found in one groundwater sample at the processing plant. Dissolved metals in gw are unknown. Pesticide concentrations in soil are unknown at the plant. Limited shallow soil sampling found low concentrations of pesticides. General gw conditions at the site are unknown. The permitted sumps at the site require proper closure according to the DTSC permit. Asbestos materials were present at the plant and lead paint was likely.

A Phase II Screening Level Soil and Groundwater Sampling was performed at the site based on the findings from the Phase I ESA. There were low detections of TPH-mo in soil and groundwater, but they did not appear to represent a significant release. Soil data indicated total chromium at concentrations above residential and commercial PRG values at the former hazardous materials storage area. There were also elevated levels of nickel. Three VOCs were found in gw—chloroform, 1,2-DCA and PCE. The chloroform was below the MCL. The 1,2-DCA detect was above the MCL, but the conclusion was that since no other gw samples showed 1,2-DCA, the detection did not indicate a significant release. The same explanation was offered for the PCE. Dissolved selenium was found in three gw samples at levels above the MCL. A source was not found. Hexavalent chromium was found in two of the five gw samples at concentrations below the US EPA drinking water reference dose, but three of the samples were analyzed outside the recommended 24 hour hold time.

Based on these findings, a Supplemental Phase II Soil Investigation was performed to confirm the presence of elevated chromium and to research the naturally occurring levels of selenium in Davis. The Supplemental sampling did not confirm the presence of elevated total chromium found previously, and based on this, the conclusion was that no further testing was needed. The levels of selenium detected apparently fall within naturally occurring levels for Davis.

According to Mitigation Measure 3.8-4, prior to start of grading activities for the project, the applicant will confirm with the City of Davis that shallow soil sampling was done during Phase 2 of the demolition activities. The samples would be analyzed for total petroleum hydrocarbons, and volatile organic compounds and results reported to the city. If elevated levels of any of these are detected, a soil remediation plan will be prepared and implemented prior to the commencement of grading activities.

Were PCBs sampled for? There is reference to a large PG and E substation and 300kVA step-down station on the property along with several other transformers. PCBs were widely used into the 70’s in transformers, capacitors and motors. They are very persistent in the environment and are carcinogens. If there was sampling for PCBs, it is not covered in the DEIR. Future gw and soil samplings should include looking for PCBs.

In the event that elevated levels of any TPH or VOC are detected during the sampling, it would be helpful if the reviewer had an idea of a plan for clean-up. Since the applicant does not propose to submit a plan until and unless elevated levels are detected, there will be no opportunity for the public to review the plan and determine whether or not it is adequate. Clean up activities can be very involved, especially in gw is contaminated. Some site clean-ups take years. Some of the chemicals mentioned in the DEIR as being detected are carcinogens, endocrine disruptors, neurotoxins and other human health hazards. Some were detected at times and not at other times in the same areas.
2.0 Comments on Draft EIR and Responses

I would suggest that the samplings to be done prior to start of construction at the site be thorough and include extensive gw sampling, especially in areas where the plant and where the hazardous waste storage existed, and that remediation include installation of monitoring wells if needed. In this case, the project should be delayed until any required clean-up is well underway and the potential for exposure to any toxin is eliminated.

Inadequate Ingress and Egress.
Another concern is the number of entrance/exits for the project. There is to be only one main vehicular access for the project at the J Street/Entry Road B and East Covell and another at Entry Road A/East Covell, which will not be signalized and would allow only right turn only in and out movements. An at-grade emergency vehicle access is proposed for across the railroad tracks and F Street Drainage Channel subject to approval by the railroad. It is possible that this access point will not be permitted by the railroad, so the only vehicle access will be via the two roads mentioned above and emptying onto Covell Blvd. This could be problematic in an emergency that required evacuation of this site. The site is very confined and ingress and egress appear inadequate. This could be an issue in case of emergency. The DEIR states that the project does not include any actions that would impair or interfere with the City’s Multi-Hazard Functional Planning Guide, and that the project includes traffic improvements and upgrades that would accommodate additional traffic so Covell would continue to operate at acceptable levels. These are not the issues. The issue is that this project design is necessarily confined with limited ingress or egress in case of emergency. The site does not really lend itself well to development as residential. Many of the current issues could be resolved if this site remained as potential business park/high tech uses.

Hydrology and Water Quality.
The project is proposed on a site part of which is in a FEMA-designated flood plain. It is a Zone A which indicates a 100-year flood plain where base flood elevations have not been determined. Formal drainage studies using more accurate topographic data and current modeling techniques must be submitted to FEMA to establish the limits of the flood plain. When the studies are complete, FEMA will concur in a determination of a base flood elevation for the project.

A storm drainage plan has been developed that would accommodate storm water runoff and convey storm flows in underground pipes and overland through streets during any 100-year storm event. In addition, fill would be brought in to bring the site elevations for areas developed in the flood plain above flood elevation. All building pads are to be a minimum of 1 foot above the maximum 100-year flood water elevations. Even in the event that determination of modeled base flood water levels are accurately determined and buildings are above that level, doesn’t this mean that the roads and yard would be flooded, trapping people in their homes? Why does the proponent plan housing in the flood plain? Also, if buildings are raised, doesn’t this just push the flooding elsewhere to areas that might not have flooded otherwise? How will the mitigation measures proposed assure that this does not occur?
2.0 Comments on Draft EIR and Responses

Land Use.
The proposed project site is currently designated in the Davis General Plan as industrial. To be developed as a residential or mixed use project two General Plan amendments are needed.

- A General Plan Amendment to designate the site as Neighborhood Mixed Use, Residential Low Density, Residential Medium Density, Residential High Density, Parks/Recreation, Public/Semi-Public, Urban Agricultural Transitional Area and Neighborhood Greenbelt on the General Plan Land Use Map.
- A General Plan Amendment to create a new General Plan Land Use category in the Davis General Plan for Neighborhood Mixed Use.

The proponent is also asking for a zoning change. The Project Site is currently zoned PD-1-00 (Planned Development-Light Industrial). The Project includes a requested rezone to PD-1-11 (Planned Development). General Plan Policies covered in the DEIR are generally policies that apply to residential development. This is an industrial site that has been designated as a potential site for a high tech business park use. On page 3.10-6 reference is made to the fact that to grant a final planned development application, the Planning Commission or City Council must find that a number of requirements are met. A number of them are not met with this project.

(b) The proposed development conforms to the general plan and any specific plans approved for that area by the city.

The proposed project does not conform to the general plan for this area. This area is designated in the general plan as industrial. Two general plan amendments are required to permit residential uses at this site.

(f) The auto, bicycle and pedestrian traffic system shall be adequately designed to meet anticipated traffic and shall be so designed to provide the minimum amount of interference with each other.

The site configuration permits only one standard entrance/exit for the project: opposite J Street. The secondary entrance/exit would be right hand in and out only. There is no ability for an entrance or exit at any other point on the project site. An emergency vehicle entrance/exit is proposed for the east edge, but would require a permit for an at grade crossing, an unlikely scenario. Any bike traffic would have to be directed to the H Street Tunnel, a route that is even now considered sub-standard. Bicyclists and pedestrians would have to cross Covell Blvd. to the south to gain access to any other part of town, as to the west is a large drainage canal and to the north and east, farmland. It is a very bad location for a residential project and cannot safely accommodate the large number of vehicle trips it would produce or ensure safety of bicyclists or pedestrians.

(g) Commercial development can be justified economically at the location proposed and that adequate commercial facilities of the types proposed will be provided.

The proposed “commerce district” would allow up to 236,000 square feet of commercial development, about double the size of a typical neighborhood shopping center. It is almost
directly across Covell from another shopping center, Oak Tree Plaza with a Nugget Market, CVS
store and various other smaller shops. This project is inconsistent with the City of Davis General
Plan Policies governing commercial uses. Policies C.1 and C.3 encourage redevelopment of
existing shopping centers before approving new ones and consideration of impacts of new
shopping centers on existing retail/commercial in the City. How will this huge commercial
development impact the commercial establishments already in the Oak Tree Plaza? Is it likely to
result in the loss of some of those tenants due to direct competition? This could then result in a
blighted area. The Manor Shopping Center has struggled for years due to competition from other
neighborhood centers in the area. The shopping center out on Lake Blvd. has also been
struggling for years and having difficulties keeping a viable grocery store. This new center
proposes to include a grocery store which will complete with existing centers. Have the impacts
of another commercial center at this site in relation to existing centers been evaluated? How are
they to be mitigated? How will such a large commercial center in this location affect retail in the
downtown? The Second Street Crossing commercial development is already impacting out
downtown. Do we want to lose all retail in our downtown and turn it into a party center? How is
this impact to be mitigated?

These three requirements are not met by this proposal. This site is zoned for light industrial
development and should remain as a potential site for high tech/business park uses.

This development will also cause huge traffic impacts on surrounding neighborhoods. Impact on
Covell will be heavy with the addition of roughly 10,000 to 12,000 more vehicle trips per day.
The impacts on J and L Street will also be significant. How can this be mitigated?

In addition, as noted in the Land Use Section of the DEIR, the land north and east of the
proposed site is Yolo County land and is designated industrial by the Yolo County General Plan.
That designation allows the full range of light to heavy industrial/manufacturing. It seems that
light industrial uses on the proposed project site are more in keeping with surrounding land use
designations.

Under Impacts and Mitigations, the issue of current designation of the site in the general plan
and the need to change that designation to bring this project into compliance with our general
plan is addressed. The DEIR admits that the proposal is not in compliance with our GP, but goes
on to excuse that problem by arguing that the applicant is requesting GP amendments to change
the site’s designation so that somehow makes it okay. One of the GP amendments would be to
add a new designation to the GP called Neighborhood Mixed Use. This would permit a mix of
residential and non-residential uses in certain areas. Specific uses would be established in the
site’s zoning, anticipated to be a Planned Development district, and they must be compatible
with surrounding development.

On Pages 3.10-9 and 10, arguments are given that this project is consistent with GP Policies LU
A.1 and LU /a.5 in providing a mix of residential and mixed use. But it is NOT in compliance
unless the GP designation is changed from light industrial to Neighborhood Mixed Use! This
project is NOT in compliance with the GP and should not be permitted.
The project will result in conflicts between the project and adjoining ag uses. Therefore, it is necessary that the project incorporate a minimum 150 wide ag buffer/transition area on all sides bordering farm land (the land to the north and east of the project site). The project does incorporate that buffer, but on the east, the proponent is proposing an urban farm that would be in that buffer. On Page 3.10-11, the DEIR states that some of the proposed ag practices in the urban farm area may be incompatible with residential uses in the project conducting farming activities within the buffer has the potential for narrowing the distance separating thee uses compared to the scenario where no ag activities take place in the buffer. The argument continues that the project includes guidelines for ag practices that would ameliorate the potential for conflicts between the urban farm and residential uses on the project site. Unfortunately, these are only guidelines, not enforceable, and conflicts will arise. The proposed project design features and restrictions on farming practices in the urban farm do not bring these impacts (conflicts) to less than significant. The buffer on the side where the urban farm is located must be widened to allow 150 between the urban farm and residential development on the site.

Davis needs land for light industrial/high tech development. This is the last large parcel in the city that is zoned for these uses. The other area with opportunities for this type development, the Second Street area, is filling up quickly. As a consequence of the lack of good land for business parks and high tech industry, the City has established a task force to identify land for business park uses. If we lose the Con Agra site to housing, the only possibilities for business park developments would be outside the city on peripheral land that is in the county. This type of arrangement would require a revenue-sharing agreement with the county and would bring in much less revenue to the City. If we lose this parcel, we lose much of our ability to provide land for high tech development in Davis. The City should be encouraging high tech uses in the City and in conjunction with the University rather than advocating for another housing development.

We need economic development in Davis, not more housing. Residential developments are nearly always net financial losses for the community that must provide services. Notwithstanding the representations by City staff and the applicant that this project could be made revenue neutral, this has not been demonstrated. A thorough fiscal analysis would be needed to demonstrate this, and that has not been done. This should be done before moving forward with this project.

**Noise and Vibration.**
The at-grade crossing over the rail road tracks on the eastern edge of the site could pose a problem with noise. Currently, the trains do not sound horns when they pass next to the site, but with an at-grade crossing, they would have to. This will create a problem for residents on the site and across Covell and F Street. Based on noise monitoring, the average SEL for train passages would increase to a 107 dB at a distance of 75 feet with warning horns. This would be a significant impact. Mitigation Measure 3.11-2 would require the City and the applicant to pursue the establishment of a Quiet Zone for the UP RR railroad corridor adjacent to the site. This would mean that trains would not be required to use the warning horns when approaching this crossing. Alternative safety measures such as gates, signage, etc. would have to be constructed in this case and this would be funded by the applicant. However, this is all predicated on the Federal Railroad Authority’s approval of the Quiet Zone, and cannot be
guaranteed. Even if a Quiet Zone were to be approved and established, train operators may still opt to use their horns. So, this remains a significant and unavoidable impact.

The impact of 5 to 6 trains per day sounding their horns at this crossing will be a major impact on the surrounding neighborhoods. If this cannot be mitigated to a less than significant impact, the emergency vehicle at-grade crossing should be eliminated.

**Transportation and Circulation.**

Some of the assumptions seem to be overly generous to minimize impacts from the project. Trip generation assumptions as result of the project are underestimated. In Table 3.14-4, for example, trip generation out at peak a.m. hours for 336 single family homes is only 290. On what is the assumption based? Even if only 1 adult was working, it would logically seem trip generation would be higher—closer to the actual number of units, and if two adults were working going to school/taking children to school, the trip generations would be even higher.

The same is true for apartments. Some of the analysis seems to be based on statistics from other communities. Davis has a high ratio of university students to general population than many other communities. Many of the apartments in this project may be occupied by students rather than families. Since this site is some distance from the University, most students will probably be using a car to get to school, and with variations in schedules, most likely most or all students from each apartment will drive separately. Did the analysis consider this?

Even with this possibly overly optimistic analysis, total daily trips generated by the project are more than 12,000. This will be a significant impact on Covell Blvd. and J Street, among others routes, as most of the vehicles leaving or entering will of necessity be arriving or leaving via Covell Blvd. or J Street. Increase in vehicle trips on Covell alone will be roughly 50%. Is it going to be necessary to widen Covell Blvd. to keep traffic flows tolerable?

According to Table 3.14-6, peak hour increases on J Street will be 51.4% for a.m. and 40.9% for p.m. These are significant impacts. How will this impact be mitigated on J Street? LOS for the Covell Blvd./J Street intersection will go from LOS A for a.m. and p.m. to level D for a.m. and C for p.m. This is a significant impact. How is this to be mitigated? The same is true for the Covell Blvd./Oak Tree Plaza driveway. The best option for mitigation for the driveway appears to be addition of a stop light at the intersection, but this will result in further disruption of flow of traffic on Covell and also an increase of GHG emissions from idling vehicles.

In fact, several suggested mitigations involve installation of a traffic signal, which will result in more idling cars and more generation of GHG emissions. The same is true with the increase in vehicle trips and that impact on LOS at various intersections that are already signalized. Cars will be idling for longer periods, adding to GHG emissions. How is this to be mitigated? Addition to GHG emissions from traffic generated for this project and the impacts of that increase of emissions were not even analyzed for this DEIR due to the convoluted reasoning giving this project an exemption from such analysis.

Mitigation proposed for impacts of traffic increases at various intersections include installation of traffic signals and/or of roundabouts. These are both expensive solutions. In the case of
Moore, Donner and Picasso, will roundabouts even work? Considering the amount of traffic already on Pole Line and the difficulty in getting onto Pole Line at those intersections, vehicles from those streets will have great difficulty entering a roundabout as the traffic on Pole Line Road continues to stream through.

Implementation of Mitigations 3.14-1A through 1F, 3.14-2, and the use of roundabouts will be expensive. The City of Davis is already far behind in simple maintenance of its roadways and there is very little available funding for even this. How is the City to fund expensive road projects to mitigate for the Cannery impacts on traffic? The applicant should be required to fully fund all costs for roadway improvements (stop signs, signals, roundabouts, reconfigurations, widenings, etc.) that are required as mitigations for this project. Otherwise, this project should be rejected. Costs for infrastructure for this project are far beyond what the community can bear.

Why weren’t traffic impacts on Covell Blvd. to the east more fully studied? For example, what impacts will the increases in traffic have on the Junior High School? The increased traffic on Covell heading to the freeway will all go past the school at hours when students are going to school on bicycles or being dropped off by parents. How will these impacts be mitigated?

This project will result in significant impacts on many surrounding streets and intersections. These impacts cannot be fully mitigated to less than significant by the measures suggested. And it is not possible to determine from this DEIR just what mitigation will ultimately be implemented, as several suggestions are made in many cases, but no definitive plans have been developed.

Some assumptions in vehicular traffic volumes depended on a certain percentage of people taking public transit or biking or walking to various destinations. Increasing non-vehicular travel is a noble goal, but reality is that most people will be using cars. Proximity to a bus or owning a bike does not help if you are shopping for groceries or taking kids to school. And this proposed project is some distance from the downtown and the University, so it is more likely that people heading for those destinations will drive. Conditions on Covell Blvd. are not very conducive to bike riding either. It is a dangerous thoroughfare for bikers or pedestrians and none of the suggested fixes will really mitigate for this impact.

Implementation of this project will result in several serious impacts that cannot be mitigated to less than significant. Traffic on Covell Blvd. and J Street will see at least 50% increases at peak hours. The confined nature of the site allows for only one standard road access to the site opposite J Street. Another to the west would be right turn in and out only. There is no other point where traffic can move in and out of the site, as to the north and south lies agricultural land and to the west are the rail road tracks and a large drainage canal. There are not good connections from the site to other areas for bicyclists, which will be directed across the train tracks and to the H Street tunnel, already considered sub-standard.

Emissions from vehicles and from the project itself will have impacts on air quality that will be significant and unavoidable. GHG emissions from cars and light trucks were not evaluated for this DEIR.
Implementation of the project will produce a net loss of habitat for several species, some of which are species of special concern. Mitigation Measures cited are inadequate and incomplete in many cases.

Further necessary testing of soil and groundwater for hazardous chemicals will not take place until a number of permits have been issued. No plan has been submitted for mitigation measures if hazardous conditions are discovered, so the reviewer does not have the opportunity to determine whether the planned remediation activities are adequate. And what happens if hazardous chemicals are found? Does the project stop until the site is cleaned up?

Part of the site is a FEMA-designated flood plain and Mitigation Measures appear to be incomplete.

The project is not in compliance with our General Plan.

There are just too many unresolved negative issues with this project for it to move forward. If these issues cannot be adequately addressed and the impacts mitigated, the project should not move forward in its current form.

Thank you for the opportunity to comment on the DEIR and the proposed project.

Sincerely,

Pamela S. Nieberg
Davis resident.
Response to Letter 38: Pam Nieberg, Resident of Davis

Response 38-1: The commenter compares the proposed project to other past projects in the City in terms of sustainability. The commenter also states that the Draft EIR does not consider GHG emissions related to vehicle trips. Reference is made to Master Response 4 concerning SB 375’s requirements for CEQA analysis of projects consistent with an adopted Sustainable Communities Strategy (SCS). As described in Master Response 4, the EIR is exempt from the inclusion of an analysis of mobile-source (vehicle) GHG emissions under the CEQA streamlining provisions of SB 375. The commenter is further referred to Response H-36 regarding the EIR’s approach to mobile source GHG emissions. The commenter is referred to Response to Comment H-7 regarding analysis of ground-level air quality emissions from vehicles. The traffic mitigation measures included in the Draft EIR were considered as part of the air quality analysis, and the results of the air quality analysis accurately reflect the full range of mobile source emissions that would result from project implementation, inclusive of the required traffic mitigation measures. Additionally, as further described under Master Response 3, the mode split analysis used to quantify vehicle trips and mode splits associated with alternative transportation choices is valid, and is supported by evidence described in the EIR. The potential air quality emissions impacts that may result from project implementation have been fully analyzed in the Draft EIR, and emissions levels have been compared to the appropriate thresholds of significance. Mitigation measures have been imposed upon the project to reduce air quality emissions to the greatest extent feasible. The commenter’s points on comparative sustainability have been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 38-2: The commenter suggests that all units within the project site include installed solar panels and that the project achieve zero net energy. Please see Responses to Comment H-28 regarding solar panel requirements and Response to Comment G-4 regarding “net-zero” thresholds and standards. This comment expresses a design preference for the proposed project, but does not comment upon the adequacy of the Draft EIR as an informational document. However, in response to community comments and further analysis, the project has revised its sustainability plan to commit to include 1.5KW of photovoltaic electricity generation on every detached single-family unit. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 38-3: The commenter suggests that the project should strengthen provisions for accessible units. The project includes Eskaton’s “Livable Design” certification for all single-family units, which will be a condition of approval and verified upon issuance of building permits. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
2.0 Comments on Draft EIR and Responses

Response 38-4: The commenter states that the project should include for-sale affordable housing units for low-income families. The City Council has evaluated affordable housing policies on a City-wide basis. At its meeting of July 9, 2013, the City Council approved revisions to the Affordable Housing Ordinance and Housing Element Policies. Policy decisions made by the City Council are reflected in the affordable housing requirements for the project. The application includes a 1.5 (net) acre site to accommodate 40-60 permanently affordable apartments and 40 accessory dwelling units, which would receive a 50% credit and count as 20 affordable units. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 38-5: The commenter states that the project should provide permeable surfaces for roads and sidewalks and utilize drought resistant landscaping. The commenter also states that the project should be held to higher standards, such as those in the Wild Horse Ranch project. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. It is further noted that the Draft EIR includes a detailed and specific analysis of the project’s water supply demand, as well as runoff and surface water quality impacts. Mitigation measures have been imposed upon the project and incorporated into the project’s design features to ensure that impacts associated with water supplies, drainage and surface water quality are reduced to a less than significant level.

Response 38-6: The commenter states that the project site should be developed with light industrial/business park uses, rather than housing. The project plan of development is intended to satisfy multiple planning objectives, which include the development of a range of housing types along with business park and commercial uses. Issues concerning the fiscal neutrality of new development are not environmental issues subject to CEQA. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. Fiscal impacts of the project will be considered by the City Council during their evaluation of the project. The City Council has also considered the recommendations of the Innovation Park Task Force and options for business park development throughout the community.

Response 38-7: The commenter states that the project should include a wider buffer between the urban farm and the onsite residential uses. The buffers between proposed project development and adjacent agricultural uses satisfy City requirements and are adequate to minimize impacts. The restrictions on agricultural activities in the urban farm contained in Mitigation 3.2-1 will be enforceable. The General Plan allows agriculture, passive open space recreation, and habitat within the Urban Agricultural Transition Area. The City will own the urban farm and will be able to enforce
mitigation measures through both zoning conditions of approval and lease provisions. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 38-8: The commenter states that the project site is prime farmland and the project should be required to mitigate for the loss of prime farmland. The commenter is referred to Impact 3.2-1 for a more detailed discussion of this topic. Farmland of Local Importance is land of importance to the local economy, as defined by each County’s local advisory committee and adopted by its Board of Supervisors. Farmland of local importance is either currently producing, or has the capability of production, but does not meet the criteria of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The entire project site is identified for urban uses by the City of Davis General Plan Land Use Map. Davis General Plan Policy AG 1.1 states: “Protect agricultural land from urban development except where the general plan land use map has designated the land for urban uses.” As stated above, the Davis General Plan Land Use Map designates the entire project site, including the northern portion of the project site, as Industrial land, which is an urban land use. Therefore, per the policies in the Davis General Plan, the project site is not considered agricultural land that requires protection from urban development. It is further noted that the current version of the City’s Farmland Preservation Ordinance was adopted in 2007. At the time of adoption, the City Council unanimously passed a motion indicating that the project site was not required to provide mitigation for loss of agricultural land. See Minutes of July 10, 2007 City Council meeting.

The impacts associated with the loss of Farmland of Local Importance within the City of Davis Planning Area were addressed in the Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School (General Plan Update EIR) (January 2000). Implementation of the proposed project would not result in the loss of Farmland of Local Importance beyond the levels analyzed and disclosed in the City’s General Plan EIR. While the commenter disagrees with the conclusions on this impact discussion, the analysis is supported by factual evidence, and the City’s designation of the land for urban uses in the General Plan, coupled with the requirements of Davis General Plan Policy AG 1.1, do not require mitigation by the proposed project. No changes to the Draft EIR are required.

Response 38-9: The commenter provides a summary of the operational air quality impact analysis contained in the Draft EIR, but does not comment on the adequacy of the analysis in the Draft EIR.

Response 38-10: The commenter suggests that the utilization of 100% solar on the project and better pedestrian and bike connections may reduce operational emissions to a less than significant level.

The project includes a robust and comprehensive approach to reducing air quality emissions, greenhouse gas emissions, and energy consumption to the greatest extent...
2.0 Comments on Draft EIR and Responses

feasible. For example, in response to community comments and further analysis, the project has revised its sustainability plan to commit to include 1.5 KW of photovoltaic electricity generation on every detached single-family unit. The project applicant has also committed to constructing all residential units to 40% better than the 2008 Title 24 energy efficiency standards. The project includes a 45 KW PV system to provide energy for lighting in public spaces within the site, and the project includes options and opportunities for future home buyers to purchase more than 1.5 KW of power from renewable PV sources.

As noted under Impact 3.3-1, operational air quality impacts from the project would exceed the Air District’s thresholds of significance, and impacts were determined to be significant and unavoidable. Operational air quality emissions include emissions associated with mobile sources (vehicle trips), energy consumption, and area sources (such as consumer products and architectural coatings). The vast majority of the operational emissions associated with project operations would come from mobile sources (vehicle emissions).

As described above, the project includes extensive energy efficiency provisions. Requiring 100% solar energy production within the project site would not reduce mobile source emissions (which are the primary source of air quality emissions that would result from the project), and would not assist with reducing overall operational emissions below the applicable thresholds of significance.

Even if energy-related emissions from the project were reduced to zero, the emissions associated with vehicle trips generated by the proposed project would still exceed the YSAQMD thresholds of significance. The commenter is referred to Table 3.3-6 in the Draft EIR. As shown in this table, the Yolo-Solano AQMD thresholds of significance for ROG and NOx are 10 tons/year, and the threshold for PM10 is 80 lbs/day. The mobile source (vehicle) emissions of the project would result in 13.44 tons/year of ROG, 18.98 tons/year of NOx, and 165.27 lbs/day of PM10. These mobile source emissions alone exceed the thresholds of significance established by the AQMD.

In order to reduce mobile source emissions to the greatest extent feasible, the project includes an extensive network of onsite bicycle and pedestrian facilities, with connections to the existing offsite system of bicycle and pedestrian facilities. Additionally, there are existing bus stops located immediately south of the project site, on Covell Boulevard, which provide future Cannery residents with convenient access to alternative transportation modes. As described on page 2.0-17 and shown on Figure 2-10 of the Draft EIR, the project proposes a grade-separated multi-use connection under the East Covell Boulevard bridge and east of the UPRR tracks to connect with the Covell Boulevard multi-use trail. These improvements, combined with existing bicycle facilities along Covell Boulevard and J Street provide a series of dedicated facilities to accommodate bicycle travel. The project also represents a mixed-use infill project that will provide opportunities for reduced vehicle miles travelled by future residents that may be able to shop or work at locations within the
The commenter states that further modeling of CO impacts might be warranted. The commenter is referred to Response H-7.

Response 38-12: The commenter summarizes information from Impact 3.3-1 related to operational air quality impacts, and notes that the project would result in significant and unavoidable impacts related to air quality emissions. The commenter is correct. The EIR analyzes air quality impacts, and fully discloses that these impacts would be significant and unavoidable. Mitigation measures have been included to reduce these impacts to the greatest extent feasible, however, they would remain significant and unavoidable. The commenter states that the project should not be permitted to move forward in light of this significant and unavoidable impact. The commenter also states that the project would add vehicle trips to area roadways, which could lead to health effects at nearby sensitive receptors, including nearby elementary schools. The commenter is referred to Impact 3.3-4 in the Draft EIR, which includes a detailed discussion of the project’s potential to expose sensitive receptors to harmful pollutant concentrations.

As described under Impact 3.3-4, the California Air Resources Board (ARB) published the *Air Quality and Land Use Handbook: A Community Health Perspective* (2007) to provide information to local planners and decision-makers about land use compatibility issues associated with emissions from industrial, commercial and mobile sources of air pollution. The ARB Handbook indicates that mobile sources continue to be the largest overall contributors to the State’s air pollution problems, representing the greatest air pollution health risk to most Californians. The most serious pollutants on a statewide basis include diesel exhaust particulate matter (diesel PM), benzene, and 1,3-butadiene, all of which are emitted by motor vehicles. These mobile source air toxics are largely associated with freeways and high traffic roads. Non-mobile source
2.0 Comments on Draft EIR and Responses

air toxics are largely associated with industrial and commercial uses. Table 3.3-9 in the Draft EIR provides the California Air Resources Board minimum separation recommendations on siting sensitive land uses.

As the commenter notes, the proposed project would contribute additional vehicle trips to a roadway currently carrying roughly 30,000 vehicles per day (East Covell Boulevard). As shown in Table 3.3-9 of the Draft EIR, CARB’s advisory recommendations include avoiding siting new sensitive land uses within 500 feet of a freeway, urban road with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. East Covell Boulevard is considered an urban road, and the volume of daily trips on this roadway do not meet CARB’s definition of a high traffic road with potential to expose sensitive receptors to significant sources of mobile source air toxins. The Draft EIR acknowledges and discloses that the proposed project would contribute levels of mobile source air emissions to an area that is currently designated non-attainment, which would contribute to a significant air quality impact. As noted in the Draft EIR, operational emissions from the proposed project would be significant and unavoidable, and all feasible mitigation has been required. There is no additional feasible mitigation available to reduce operational air quality impacts to a less than significant level. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 38-13: The commenter provides a summary of biological resources and habitat types found on and near the project site, which summarizes the information presented in the Draft EIR. The commenter also states that mitigation measures proposed for the loss of Swainson’s hawk foraging habitat are not adequate. Mitigation Measure 3.4-4 states that up to thirty days prior to the commencement of construction, the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting raptors. In the event that nesting raptors are found on the project site, offsite improvements site, or the immediate vicinity, the project proponent shall consult with the California Department of Fish and Wildlife (CDFW) and obtain an incidental take permit from the CDFW pursuant to section 2081(b) of the Fish and Game Code. If nesting raptors are discovered, the conditions of the incidental take permit would not allow raptors to be killed or active nests to be destroyed. Mitigation Measure 3.4-4 has been revised to provide further clarification of steps that must be taken in the event that active raptor nests are discovered on the project site during pre-construction surveys. The commenter is referred to Section 3.0 of this Final EIR for the revised mitigation language.

The commenter also states that Mitigation Measure 3.4-5 should be revised to require compensatory foraging habitat for the entire 100-acre project site. It is noted that the offsite improvements site provides some potential nesting habitat for Swainson’s hawk, but lacks foraging habitat. The northern portion of the project site (48.6 acres) provides appropriate foraging habitat for a variety of special status birds, including
2.0 Comments on Draft EIR and Responses

Swainson’s hawk. The southern half of the project site (former processing plant) does not currently provide suitable foraging habitat for special status birds, given that much of this area of the site is paved and currently lacks the vegetation required for suitable foraging habitat. The proposed project would require permanent disturbance to the foraging habitat within the northern portion of the site. This would indirectly affect the State listed Swainson’s hawk, among other birds.

The project proponent will be required to consult with the Department of Fish and Wildlife to determine if the project would result in incidental take of Swainson’s hawk (thereby requiring CESA take authorization). Additionally, the Yolo County NCCP/HCP Joint Powers Agency (JPA), which includes the City of Davis, requires compensatory mitigation for the loss of Swainson’s hawk foraging habitat at a 1:1 ratio. As required by Mitigation Measure 3.4-5, the project applicant is required to provide all compensatory mitigation prior to the commencement of construction activities. The project applicant continues to coordinate with the CDFW and the Yolo County JPA to calculate the exact amount of acreage that will be required for mitigation for Swainson’s Hawk foraging habitat. The project’s required compensatory mitigation for the loss of Swainson’s hawk foraging habitat would reduce this impact to a less than significant level. The commenter is referred to Section 3.0 of this Final EIR for additional information regarding impacts to Swainson’s hawk foraging habitat, and revisions to Mitigation Measure 3.4-5.

Response 38-14: The commenter states that the proposed mitigation for the loss of burrowing owl nesting and foraging habitat is not adequate. The project site and offsite improvements site is located in an area that is the fringe of urban development and agricultural development. The northern portion of the project site (48.6 acres) provides appropriate ground nesting habitat for a variety of birds, including burrowing owl. The southern half of the project site (former processing plant) does not provide appropriate ground nesting habitat, given the lack of existing burrows and that much of this area of the project site is paved with former industrial uses. The offsite improvements site provides appropriate nesting and foraging habitat for a variety of birds, excluding burrowing owl. Field surveys identified burrows on the northern portion project site that could be used by the burrowing owls; however, during the May 20, 2011 and August 1, 2011 surveys, there were no burrowing owls observed or evidence of burrowing owls nesting on the project site. According to the Mitigation Methods section of the March 7, 2012 Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation,” mitigation is required for permanent impacts to nesting, occupied and satellite burrows if burrowing owls were found at the project in recent years. The project would not result in permanent impacts to nesting, occupied or satellite burrows. As such, mitigation for such permanent impacts is not warranted. However, there is a possibility that the unoccupied burrows become occupied in any given year as long as they are undisturbed and a food base remains intact. To minimize the potentially significant impact to burrows that may have become active since the surveys, Mitigation Measure 3.4-3 requires pre-construction surveys to be
2.0 Comments on Draft EIR and Responses

completed, and requires avoidance measures be implemented in the event that an occupied burrow is discovered.

The commenter also asserts that the actual avoidance measures should have been described in the Draft EIR. The Draft EIR states that the mitigation for potential impacts to burrowing owls must comply with the Mitigation Methods section of the March 7, 2012 Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation.” This section states that actual avoidance methods should be developed by a qualified biologist in consultant with the CDFW, which is required by Mitigation Measure 3.4-3. This measure, as written, meets the requirements of the CDFW, and no changes to this measure are warranted.

Response 38-15: The commenter states that mitigation for the loss of three species of bats in not clear. Mitigation Measure 3.4-6 requires pre-construction surveys for special-status mammals, including three species of bats and the American badger. While suitable habitat for these species exists on the project site, no indication of these species was encountered during biological surveys conducted on the project site. It is also noted that the last collected specimen of the Pallid bat was collected in 1964, the last specimen of the Silver-haired bat was collected in 1957, and the last specimen of the Hoary bat was collected in 1991, indicating that the potential for these bat species to be present on the project site is highly unlikely. Mitigation Measure 3.4-6 is included in the EIR as a very conservative effort to ensure that the project would not result in impacts to special-status mammal species. The CDFW has different protocols that must be followed in the event that a special-status mammal species is encountered during a pre-construction survey. None of the protocols would allow for the direct take or killing of a special-status mammal. The CDFW protocols represent performance-based standards that must be implemented in order to ensure that significant impacts to special-status mammals do not occur as a result of project implementation. The CDFW is the Trustee Agency responsible for protecting and preserving the viability of special-status species and their habitat. Compliance with the adopted CDFW protocols for the protection of a special-status species represents adequate and legally enforceable mitigation. No changes to the Draft EIR are required.

Response 38-16: The commenter states that impacts to riparian habitat within the F Street Channel are significant, and states that the details of the restoration plan should have been included in the Draft EIR. Mitigation Measure 3.4-8 includes measures that must be implemented prior to any construction activities within the riparian habitat located in the F Street Channel to reduce potential areas of disturbance during construction. The installation of drainage improvements and the proposed bicycle path crossing would result in minor impacts to small areas of riparian habitat within the F Street Channel. Mitigation Measure 3.4-7 requires the final design of these improvements to minimize impacts to the riparian habitat to the greatest extent feasible, and requires the restoration of riparian habitat within the improvement areas to the greatest
2.0 Comments on Draft EIR and Responses

Response 38-17: The commenter states that trees on the project site should not be removed. Avoidance of all existing trees within the project site is not feasible. The commenter is referred to the discussion under Impact 3.4-10 and Mitigation Measure 3.4-12 in the Draft EIR. The project applicant is required to prepare and implement a Tree Protection Plan prior to the removal of trees from the project site, and all tree removal must comply with the City’s Tree Preservation Ordinance (Davis Municipal Code, Chapter 37). This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 38-18: The commenter states that there are problems in determining the total impacts resulting from GHG emissions from the projects. The commenter questions the number of housing units used in the GHG analysis. As shown in revised Table 3.7-4 in the Section 3.0 of this Final EIR, the residential GHG analysis was based on 592 housing units, which is consistent with the total number of units proposed, as described in the EIR Project Description. This revised number of residential units includes the 547 units proposed by the project applicant, plus an additional 45 secondary or accessory units that may be constructed. The total amount of non-residential building area used is the non-residential GHG analysis is shown in Table 3.7-7 in the Draft EIR, and is consistent with the Land Use Summary provided in Table 2-2 of the Draft EIR. The commenter’s reference to 236,000 square feet of non-residential building space is based on the older project description. The updated project description and revised unit counts and non-residential square footage (171,270 s.f.) amounts are clearly described on Pages 2.0-4 and 2.0-5 of the Draft EIR. The commenter is correct that the Draft EIR does not quantitatively address GHG emissions from vehicle trips. The commenter is referred to Master Response 4 and Response H-36 for an expanded discussion of the CEQA streamlining provisions allowed under SB 375. The commenter notes that the EIR concludes that criteria air pollution emissions would be significant and unavoidable. The commenter is correct. The commenter states that the project would not assist the City in meeting its GHG reduction goals. The commenter is referred to Draft EIR discussion under Impacts 3.7-1 through 3.7-3, which provide quantitative and qualitative analyses of the project’s GHG impacts and the project’s consistency with the City’s relevant GHG reduction plans and policies. Impact 3.7-3 discusses the project’s consistency with SACOG’s Sustainable Communities Strategy, which provides a regional approach to mobile source GHG reductions. For the 6-county SACOG region, the GHG reduction targets...
2.0 Comments on Draft EIR and Responses

SACOG prepared and adopted an EIR in conjunction with the SCS, which contains a series of mitigation measures to address GHG reduction, both on a regional and project-level basis. As applied to specific future development projects, SACOG’s SCS EIR contains Mitigation Measures, which are shown in Table 3.7-9 of the Draft EIR. Table 3.7-9 describes how the proposed project complies with the range of mitigation measures presented in the SCS EIR.

Response 38-19: The commenter states that the residential GHG analysis fails to account for 64 potential “granny flat” units. The GHG analysis is based on the total number of proposed residential units, which is 547. It is noted that Section 15303 of the CEQA Guidelines exempts second dwelling units from environmental review. However, in order to provide a full discussion of the potential GHG emissions generated by full buildout of the project, the GHG calculations have been revised to assume that 45 “granny flats” were constructed as part of the project, and the emissions from these granny units were included in the revised GHG calculations shown in Section 3.0 of this Final EIR. It is further noted that Mitigation Measure 3.7-1 requires the project applicant to develop a detailed GHG reduction plan, based on the measures described in extensive detail on Pages 3.7-21 through 3.7-23 of the Draft EIR. If additional granny flats were constructed, these units would be subject to the same energy efficiency requirements as all other units within the project, and would not hinder the project’s compliance with the City’s residential GHG thresholds.

Response 38-20: The commenter states that the non-residential square footage amounts used in the GHG analysis are too low. The commenter is referred to Response 38-18.

Response 38-21: The commenter states that the Draft EIR should have addressed GHG emissions from mobile sources. The commenter is referred to Master Response 4 and Response H-36. The Draft EIR correctly relied on the analysis completed for the SACOG MTP/SCS EIR, which is the “prior environmental document” cited both in the Draft EIR as well as the comment. The Draft EIR fully and completely explains the project’s consistency with the MTP/SCS and correctly utilizes the CEQA streamlining benefits provided by SB 375. During preparation of the Draft EIR, the City of Davis met with SACOG staff on multiple occasions to discuss the project’s consistency with the SCS. Both the City of Davis and SACOG determined that the proposed project was in fact consistent with the SCS, and SACOG issued a letter to the City of Davis confirming this finding (Letter from Mike McKeever, SACOG Executive Director, to Davis Mayor, Joe Crovoza, June 6, 2013). No changes to the Draft EIR are required.
2.0 Comments on Draft EIR and Responses

Response 38-22: The commenter states that the project would result in mobile source GHG impacts and questions which document was referenced in determining consistency with the SCS. The commenter is referred to Response 38-21. The reference in the Draft EIR regarding the project’s incorporation of mitigation measures from the SACOG MTP/SCS EIR is provided in Table 3.7-9 of the Draft EIR. The majority of the City of Davis is designated as a Transit Priority Area by SACOG, and the project site is included within the designated area. The commenter states that the project would add vehicle trips to Covell Boulevard, which is correct, but the commenter is mistaken regarding the project’s contribution to a 50% increase in traffic to this roadway. As described under Impact 3.7-3, the SACOG SCS presents a holistic and regional approach to GHG reductions, which would achieve significant per capita GHG reductions throughout the SACOG region. No changes to the Draft EIR are required.

Response 38-23: The commenter states that emissions from mobile sources would offset the GHG reductions achieved by the residential component of the project. This comment is noted. All development projects result in emissions from buildings and mobile sources. The proposed project is a mixed use development that will have a relatively high level of internal trip capture as a result. Project design will promote the use of alternative modes of transportation. These project design features will reduce mobile emissions associated with the project’s population. The project is consistent with the MTP/SCS adopted by SACOG for the purpose of reducing GHG emissions in the region. The commitment that the project will exceed 2008 Title 24 Standards by 40% will be enforced through conditions of approval and building permit review. The commenter is referred to Response H-36 and Master Response 4 regarding the treatment of mobile source GHG emissions in the Draft EIR. Impact 3.7-1 and Mitigation Measure 3.7-1 demonstrate the project’s consistency with the applicable City of Davis GHG reduction thresholds and include requirements that the project must implement in order to be consistent with these standards. The implementation of Mitigation Measure 3.7-1 would reduce residential GHG emissions to a less than significant level. No changes to the Draft EIR are required.

Response 38-24: The commenter states that the project would not meet GHG reduction targets. The commenter is referred to Response H-36 and Responses 38-18 through 38-23. The commenter is also referred to Master Response 3, which provides an expanded discussion of the alternative transportation mode split assumptions used in the analysis. No changes to the Draft EIR are required.

Response 38-25: The commenter provides a summary of the findings from the Phase I and Phase II Environmental Site Assessments prepared for the project site. This comment is noted.

Response 38-26: The commenter asks if PCB’s were tested for on the project site. The commenter is referred to Page 3.8-12 of the Draft EIR. Polychlorinated biphenyls (PCBs) were not detected in the two soil samples collected adjacent to transformers on the project site. Additional mitigation or soil sampling for PCBs is not required or warranted,
2.0 Comments on Draft EIR and Responses

given the lack of these substances on the project site, as verified during preparation of the Phase I and Phase II ESAs.

Response 38-27: The commenter states that if elevated levels of TPH or VOC are detected during subsequent sampling, that the clean-up plan should be described. The commenter is referred to Page 3.8-12 of the Draft EIR, which states that the low concentrations of TPH-mo detected in soil and groundwater at the Property do not appear to represent a significant release and are not considered an environmental concern to the project site at the concentrations detected. No TPH-g, TPH-d, BTEX or MTBE compounds were detected in soil and groundwater. The residual TPH impacts to soil and groundwater previously documented at the former 1,000-gallon gasoline UST, were not detected. No indication of a release was found at the former 10,000-gallon and 20,000-gallon diesel UST locations. The reported 1,000- or 3,000-gallon UST was not encountered at boring SB-4. No indication of a release was found at boring SB-5, completed near the former 400-gallon gasoline/diesel USTs. Mitigation Measure 3.8-4 states that prior to the commencement of grading activities for construction of the project, the applicant shall confirm to the City of Davis that shallow soil sampling was performed during Phase 2 of the demolition activities. The sampling shall be performed in the areas that will be affected by the removal of asphalt, concrete, and all underground utilities/pipes/conduit/treatment units. The samples shall be submitted for laboratory analysis of total petroleum hydrocarbons (TPH) (gas, diesel and motor oil) by EPA Method 8015M and volatile organic compounds (VOCs) by EPA Method 8260. The results of the soil sampling shall be provided to the City of Davis. If elevated levels of TPH or VOCs are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities. The details of any future soil remediation or clean-up plan cannot be known at this time. A clean-up plan cannot be prepared unless it is known exactly which compounds may be present on the site, where these compounds are located, and in what concentrations. Formulation and implementation of a clean-up plan, if needed, would be performed through the Voluntary Clean-Up Agreement process administered by the state Department of Toxic Substances Control. This process involves public notification and an opportunity for the commenter to participate in the process, if desired. The implementation of Mitigation Measure 3.8-4 would ensure that impacts associated with past contamination of the project site are reduced to a less than significant level, as described under Impact 3.8-3 of the Draft EIR. No changes to the Draft EIR are required.

Response 38-28: The commenter suggests that the pre-construction sampling be thorough and include groundwater sampling. This comment is noted. Extensive groundwater sampling has been completed on the project site as part of the Phase II Screening Level Soil and Groundwater Sampling. This report is summarized in Section 3.8 of the Draft EIR and is included in its entirety as Appendix H to the Draft EIR. Additional sampling is not
2.0 Comments on Draft EIR and Responses

necessary, and the commenter does not identify any substantial evidence to support a contrary conclusion. No changes to the Draft EIR are required.

Response 38-29: The commenter refers to the proposed EVA. The commenter is referred to Master Response 1. The City Fire Department has confirmed that an EVA along Covell Boulevard, as described in Master Response 1, would satisfy requirements for emergency access. This proposed EVA would maintain adequate separation distance between access points along E. Covell Boulevard, as an emergency situation or temporary traffic congestion at either permanent project roadway entry would not impact access through the Southeast EVA. The project maintains a high level of internal connectivity that will facilitate vehicle or pedestrian access to the Southwest EVA if needed. The commenter also states that the project site should remain as potential business park/high tech uses. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Response 38-30: The commenter provides a summary of the FEMA-designated floodplains located on the project site and questions the effectiveness of the planned drainage and flood control improvements. The commenter is referred to Impact 3.9-4, which includes a detailed explanation and description of the proposed drainage and flood control improvements that would be implemented as part of the project. The commenter is also referred to Appendices L1 and L2 of the Draft EIR, which include the 2012 Flood Control Master Plan prepared for the project and a subsequent technical memo further addressing flood control improvements. Mitigation Measure 3.9-3 includes detailed performance measures that must be approved prior to approval of the final map, and ensures that the project’s drainage and flood control system meets or exceeds all City and County drainage planning and design criteria. Implementation of the project’s Flood Control Master Plan would not result in offsite flooding impacts, given the requirements of the Plan’s details for stormwater detention and conveyance, which meet all applicable City and County requirements. The proposed changes to the site elevations that would remove the 100-year floodplain from the northern portion of the project site would effectively reduce the potential for flooding onsite, and would not result in safety issues such as people being trapped in their homes during a flood. The project site includes multiple access points, an EVA, and an integrated internal roadway network that would provide numerous options for site evacuation in the event of a significant regional or local flood event. This issue has been thoroughly addressed under Impact 3.9-4 and no changes to the Draft EIR are required.

Response 38-31: The commenter states that the proposed project is not consistent with the Davis General Plan land use designations for the site. This comment as noted. As noted by the commenter, the project includes a request for a General Plan Amendment to designate the site Neighborhood Mixed Use, Residential-Low Density, Residential-Medium Density, Residential-High Density, Parks/Recreation, Public/Semi-Public,
2.0 Comments on Draft EIR and Responses

Urban Agriculture Transition Area and Neighborhood Greenbelt on the General Plan Land Use Map. The applicant is also requesting a General Plan Amendment to create a new General Plan Land Use category in the Davis General Plan for Neighborhood Mixed Use. These General Plan Amendments are a part of the project application. If these General Plan Amendments are approved, the project would be consistent with the Davis General Plan land use designations for the site. This issue has been thoroughly addressed in the Draft EIR and no changes to the Draft EIR are required.

Response 38-32: The commenter states that the project does not include adequate access. This comment is noted. The commenter is also referred to Master Responses 2 and 3 and Response 38-29. The roadway network in the vicinity of the project site can accommodate the additional vehicle trips associated with the project at acceptable levels of service, with the implementation of the mitigation measures identified in the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Response 38-33: The commenter states that the project site should be used for industrial development and states that the proposed onsite commercial uses may compete economically with other commercial centers in the City of Davis. The commenter is referred to Table 2-5 of the Draft EIR, which specifies the proposed land uses within the mixed-use area of the project site. Commercial uses (primarily retail and restaurant) account for approximately 60,490 square feet within the mixed-use area. The remaining portions of the mixed-use area would consist primarily of office and R&D uses, which would not compete with other commercial centers in Davis.

The CEQA Guidelines define the parameters under which the consideration of socioeconomic impacts is included in an environmental evaluation. CEQA Guidelines Section 15131 states that “[e]conomic or social information may be included in an EIR or may be presented in whatever form the agency desires.” Further, Section 15131(a) of the Guidelines states that “[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes [emphasis added]. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” CEQA Guidelines Section 15131(b) also provides that “[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project.”

In the case of the proposed project, concern has been expressed that the location of new retail establishments could, through their economic effects, result in secondary environmental impacts. The term commonly used to describe the physical effects that can result when new retail uses cause existing business closures and physical deterioration of the areas in which such businesses are located is “urban decay.”
In recent years, the California Courts have identified the term “urban decay” as the physical manifestation of a project’s potential socioeconomic impacts and have specifically identified the need to address the potential for urban decay in environmental documents for large retail projects. The leading case is *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, in which the court set aside two environmental impact reports for two proposed Wal-Mart projects that would have been located less than five miles from each other. This was the first court decision to use the term “urban decay,” as opposed to the term “blight.” The court quoted “experts [who] are now warning about land use decisions that cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake.” (Id. at p. 1204.) The court also discussed prior case law that addressed the potential for large retail projects to cause “physical deterioration of [a] downtown area” or “a general deterioration of [a] downtown area.” (Id. at pp. 1206, 1207). The Bakersfield court also described the circumstances in which the duty to address urban decay issues arise.

Accordingly, there are two pertinent questions to be asked with regard to the effects of the proposed project in terms of this economic impact and urban decay analysis: 1) would the proposed new retail use result in sales losses that are sufficiently large at existing retail establishments to force some to close; and 2) would the affected closed stores stay idle long enough to create physical changes that could be defined as urban decay? The answer to both questions in this case is “no.”

While the measurement of urban decay is not strictly defined under CEQA, this discussion assumes that the term describes significant deterioration of existing structures and/or their surroundings. This is based upon the premise that such deterioration occurs when property owners reduce property maintenance activities below that required to keep such properties in good condition. It assumes that property owners make rational economic decisions about maintaining their property and are likely to make reductions in maintenance activities only under conditions where they see little likelihood of future positive returns from such expenditures. Where vacancy rates are low or growth rates are high, property owners are likely to see the prospect of keeping properties leased-up at favorable rents. Where vacancy rates are high and persistent, and growth rates are low, property owners are more likely to have a pessimistic view of the future and be prone to reducing property maintenance as a way to reduce costs.

However, whether or not conditions in between those discussed above (i.e. moderate vacancy levels that persist for a few years) are likely to lead to “urban decay” depends on many factors including the growth prospects of the market area, the future state of the national and local economy, financial strength of existing tenants and landlords, the profitability of existing stores, and the potential for conversion to office, residential or other land uses. The possibility that the addition of 60,490 square feet of commercial, retail and restaurant space at the Cannery would result in significant “urban decay” effects at other retail centers in the City of Davis appears to be remote.
2.0 Comments on Draft EIR and Responses

According to Colliers’ International, *Sacramento Retail Insights – Retail Report (1st. Quarter 2013)*, there is approximately 939,244 square feet of “Community” retail space in the City of Davis, with a current vacancy of 46,235 s.f., a vacancy rate of 4.9%. The average vacancy rate for “Community” retail space in the greater Sacramento region is 12.8%, indicating that the retail and commercial economy in the City of Davis is strong compared to the region as a whole. Even if one were to assume a worst-case scenario where (1) occupancy of retail and commercial space at the Cannery would be comprised entirely of tenants who vacated existing space elsewhere in Davis and, and (2) that this vacated space was not re-leased to any other tenants, this situation would increase the vacancy rate for *existing* Community retail space to a total of 106,725 s.f., or a vacancy rate of 11.3%, a vacancy rate still lower than the Sacramento region as a whole, and lower than the 14.0% vacancy rate in the Rocklin/Roseville market area (an area not typically regarded as emblematic of urban decay conditions).

It is noted that food stores, in particular, have been the subject of much community discussion in Davis over the years. The commenter specifically cites concerns over a potential grocery store in the project that might compete with existing grocery stores in other shopping centers. The Planned Development for the project allows food stores exceeding 10,000 square feet, subject only to a Conditional Use Permit following completion of an independent market analysis to evaluate the demand to support an additional food store in the market area without creating adverse impacts to existing neighborhood-serving food stores.

While there is the potential for new onsite commercial uses to compete with existing commercial uses in the City of Davis, there is no market-based evidence that the project would result in blight or urban decay within the City of Davis to an extent that it would result in a physical impact to the environment, as described above. The project will add 547 new households and new residents will patronize the Cannery businesses as well as other businesses in the City’s existing shopping centers and downtown Davis. Finally, it remains the case that the City has the power to enforce Municipal Code nuisance provisions, and to require property owners to perform maintenance on their properties to eliminate conditions that foster urban decay regardless of the vacancy rate. No changes to the Draft EIR are required.

Response 38-34: The commenter states that the project would generate increased traffic and asks how these impacts can be mitigated. The commenter is referred to Section 3.14 of the Draft EIR, which includes a detailed analysis of the project’s traffic impacts, and includes mitigation measures to reduce traffic impacts to the extent feasible.

Response 38-35: The commenter states that the project is not consistent with the Davis General Plan and should not be permitted. See Response to Comment 38-31 regarding the General Plan Amendments and General Plan consistency. California law does not mandate that a project completely satisfy every policy set forth in the general plan; a given project need not be in perfect conformity with each and every general plan policy. Rather, to be consistent, a project must be compatible with the objectives, policies, general land uses and programs specified in the general plan. *Sierra Club v. County of Napa* (2004), 121 Cal.App.4th 1490. See also Office of Planning and Research, *State of
2.0 Comments on Draft EIR and Responses

*California General Plan Guidelines,* pp. 164-165 (2003) (“[A]ny given project need not be in perfect conformity with each and every policy of the general plan if those policies are not relevant or leave the city or county room for interpretation.”) The proper role of a CEQA document is to set forth whether a proposed project conflicts with a land use plan and relate the proposed project’s plan consistency to the discussion of the environmental impacts, with the ultimate determination of consistency to be made by the decision-making body. The Draft EIR describes the inconsistencies between the proposed project and the existing General Plan land use designation for the site, and thus satisfies CEQA obligations in this regard. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

**Response 38-36:** The commenter states that the project may result in conflict with adjoining agricultural uses. This topic is addressed under Impact 3.2-2. The project has incorporated agricultural buffers and setbacks that would reduce potential land use conflicts from nearby offsite agricultural uses. Additionally, Mitigation Measure 3.2-1 includes specific, mandatory, and enforceable provisions that would reduce potential land use conflicts between the onsite residential uses and the onsite urban farm to a less than significant level. This issue has been thoroughly addressed in the Draft EIR and no additional mitigation is required.

**Response 38-37:** The commenter expresses opposition to the proposed land uses and suggests the project site remain designated for light industrial and high tech uses. The commenter is referred to Response 38-6. This comment expresses a design preference for the proposed project, but does not comment upon the adequacy of the Draft EIR as an informational document. The project plan of development is intended to satisfy multiple planning objectives, which include the development of a range of housing types along with business park and commercial uses. Issues concerning the fiscal neutrality of new development are not environmental issues subject to the purview of CEQA. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

**Response 38-38:** This comment is related to the proposed EVA. The commenter is referred to Master Response 1, and Responses to Comments 3-1 through 3-3 and 9-1 through 9-5.

**Response 38-39:** The commenter questions the trip generation numbers used in the traffic analysis. The commenter is referred to Response F-2. The trip generation analysis in the Draft EIR was performed in accordance with the ITE *Trip Generation Manual.* The commenter lists several factors and assumptions regarding demographics and social behaviors, but does not provide quantitative data in support of the commenter’s conclusion that the traffic analysis may be incorrect or inadequate. As to the comments related to UC Davis student commute patterns, the project will be served by Unitrans, which is free to UC Davis students. In contrast, a student parking permit at UC Davis has an annual cost of $500.00. Thus, it is likely that students will use Unitrans.
2.0 Comments on Draft EIR and Responses

Response 38-40: The commenter states that project-generated traffic may result in significant impacts. The commenter is referred to Section 3.14 of the Draft EIR, which includes a thorough review of project-related traffic impacts on the local roadway network. Mitigation measures have been presented that would reduce traffic-related impacts to the extent feasible. Traffic flows on Covell Boulevard would be at acceptable levels with project-related traffic included, without the need to widen the road or add traffic lanes. CEQA does not require projects to implement all conceivable mitigation measures when the adopted mitigation measures are shown to adequately reduce a project-related impact to a less than significant level. No changes to the Draft EIR are required.

Response 38-41: The commenter questions the adequacy of traffic signals as mitigation for project-related traffic impacts. The commenter also states that project traffic would result in significant impacts to area intersections. The commenter is referred to Response 38-40 regarding traffic impacts and mitigation measures. Traffic signals are installed for the purpose of facilitating free-flowing traffic, compared to stop-sign regulated intersections, or intersections with no regulation. Thus, traffic signals generally have the effect of lowering mobile emissions on the whole rather than increasing them, because there is less stop-and-go. The commenter is also referred to Response H-36 regarding the project’s approach to the GHG analysis from mobile source emissions. No changes to the Draft EIR are required.

Response 38-42: The commenter expresses concern over the proposed traffic mitigation measures. It is not the purpose of the Draft EIR to determine the costs associated with the mitigation measures it identifies; however the mitigation measures discussed by this comment relate to cumulative conditions, not existing-plus-project conditions. With respect to cumulative impacts, it is appropriate for projects to fund a fair share of the cost of the improvement. This limit arises from the constitutional principle of “rough proportionality,” and the inability of the City to impose mitigation beyond the project’s fair share. (Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342 (“Any mitigation measure must be ‘roughly proportional to the impacts of the project.’”) (citing CEQA Guidelines section 15126.4(a)(4)(B)).) Here, the project’s fair share contributions to the traffic improvements would be derived based on the percentage of vehicle trips through a given intersection or roadway segment resulting from the project. The commenter also questions the feasibility of roundabouts to alleviate intersection traffic in the vicinity of the project site. None of the mitigation measures presented in the Draft EIR call for the construction of a roundabout to alleviate project-related traffic impacts under existing or cumulative conditions. The Draft EIR text notes that the City may wish to consider the feasibility of roundabouts to alleviate traffic impacts under cumulative conditions, but the construction of roundabouts is not required or recommended by any of the mitigation measures in the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.
2.0 Comments on Draft EIR and Responses

Response 38-43: The commenter states that the project should be required to fully fund the mitigation improvement identified in Section 3.14 of the Draft EIR. See Response to Comment 38-42. The project applicant would be required to construct the selected improvements identified in Mitigation Measures 3.14-1A through 3.14-1F to reduce existing-plus-project impacts to a less than significant level. Under cumulative-plus-project conditions, the project applicant would be required to fund its fair-share towards the improvements identified under Mitigation Measure 3.14-2. It is further noted that these mitigation measures would not all be implemented. These measures are provided to show the range of options available to the City to reduce traffic impacts at the intersection of Covell Boulevard and Oak Tree Plaza Driveway under existing-plus-project conditions. The City of Davis shall select the preferred mitigation approach, and the project applicant shall construct the selected improvement.

Response 38-44: The commenter asks why traffic impacts on Covell Boulevard to the east were not more fully studied and asks what impacts the project may have on the junior high school. It is assumed that the commenter is referring to Harper Junior High School, east of the project site near where East Covell Boulevard turns into Mace Boulevard. As shown on Figure 3.14-4 in the Draft EIR, approximately 10% of project-generated traffic would travel east on Covell Boulevard east of Pole Line Road, and only six percent of project traffic would pass by Harper Junior High School. The intersection of Covell Boulevard and Harper Junior High Access Road was included in the traffic study. This intersection would operate at an acceptable LOS B with and without the proposed project under existing-plus-project conditions, and the project-generated traffic would not increase the delay at this intersection under either the AM or PM peak hour. This issue has been adequately addressed, and no changes to the Draft EIR are required.

Response 38-45: The commenter states that the project would result in significant impacts on many surrounding streets and intersections and states that these impacts cannot be mitigated by the measures suggested in the EIR. The commenter does not provide any specific intersection references in this comment and does not state why the commenter feels that the proposed mitigation would not be adequate. Over 40 intersections were analyzed under Existing Plus Project conditions and Cumulative Plus Project conditions in the Draft EIR. Potentially significant impacts were identified where project traffic would exceed the applicable City of Davis threshold of significance, either through decreasing LOS to an unacceptable level or by increasing intersection delays to an unacceptable level. Mitigation measures have been presented that would reduce these project-related impacts to a less than significant level. Section 3.14 specifically describes the various improvements required to reduce impacts, and demonstrates that the implementation of these improvements would reduce traffic impacts to a less than significant level. The commenter is also referred to Response 38-43. No changes to the Draft EIR are required.
2.0 Comments on Draft EIR and Responses

Response 38-46: The commenter questions the travel mode split assumptions used in the analysis and states that there are bicycle safety issues on Covell Boulevard. The City has initiated a complete streets study of the Covell Corridor. Goals of the effort are to improve safety, circulation, and access for multiple modes of transportation; provide safe crossings for cyclists and pedestrians; and improve the aesthetics of the Covell corridor from F Street to Birch Lane. These potential future improvements to the Covell Corridor will undergo a separate environmental review and are not a direct component of the proposed project. The commenter is referred to Master Responses 2 and 3, which discuss bicycle safety issues and mode splits used the traffic analysis.

Response 38-47: The commenter states that emissions from vehicles will result in significant and unavoidable air quality impacts and that GHG emissions from cars and light duty trucks were not evaluated in the Draft EIR. The commenter is correct on both accounts. These issues have been responded to above, and have been thoroughly addressed and documented in the Draft EIR. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.

Response 38-48: The commenter provides a brief summary of some of the issues raised in the comment letter, and states that the project should not move forward in its current form if issues are unresolved. All of the issues raised by the commenter have been responded to in the responses provided above. The commenter’s comment on the project is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the project.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Richard Tsai
Sent: Wednesday, March 27, 2013 7:58 AM
To: Ken Hiatt; Katherine Hess
Subject: comments from commissioners

FYI:

Dani - Under photovoltaic, I suggested 1 kw of PV per bedroom in a single family home with a 3 kw maximum requirement. I did not hear anyone suggest 2 kw per unit. I also suggested that if the DEG projected energy usage for a home showed a smaller PV system could achieve net zero electricity, that the smaller sized PV system would be appropriate.

Alan Pryor

Dani, conspicuously missing from the attached list are the Transportation issues that Gene documented in his commentary and support documents. My comments supported Gene's regarding the inadequacy of the traffic light solution for impacted intersections, and added that traffic lights increase automobile idling time, which adds to vehicle emissions. Another transportation comment made earlier in the meeting was a request that the applicant expand the EIR to include key bicycling destinations in a graphic that shows how the proposed bicycle trails in the project will connect to key destinations (Davis Senior High, Holmes Junior High and the relevant Elementary Schools were used as examples, but destinations like the Nugget Shopping Center would fit that request as well). If one goes to http://cityofdavis.org/Portals/12/Default/Documents/PDF/CDD/GPUpdate/pdfs/Housing_SC_FINAL_REPORT_3_20_08_SM.pdf and scrolls to page 59 where Site 21 (The Cannery) is covered, you will see a map that shows mileage distances to key destinations. Enhancing that map to show the interconnectivity of bicycle lanes, walking paths and transportation modalities would be desirable.

Thank you for reviewing your notes to confirm the Transportation issues.

Matt
Response to Letters 39 and 39A: Alan Pryor and Matt Wiliams, Residents of Davis

Response 39-1: The commenter suggests that all single-family homes be required to provide 1 KW of PV per bedroom, with a maximum requirement of 3 KW per home. The project’s sustainability plan includes a requirement that all single-family homes include a 1.5 KW PV system. The commenter suggests a project design and characteristic preference, but has not commented on the adequacy of the Draft EIR as an informational document. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 39A-1: The commenter states that traffic lights are inadequate solutions for impacted intersections and requests inclusion of key bicycle destinations in the City. As described under Impact 3.14-1 and 3.14-2, the installation of traffic signals at key study intersections may effectively reduce project-related traffic impacts to less than significant levels. The inclusion of a bicycle destinations figure in the Draft EIR would not change or alter the conclusions contained in the EIR. The commenter is also referred to Responses F-3, F-4, and H-7. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Rita Bunch <rgbunch@sbcglobal.net>
Sent: Friday, April 12, 2013 1:04 PM
To: Katherine Hess
Subject: Comments on Cannery Park EIR

To the City of Davis:

As a resident of North Davis, I would like to comment on the draft Environmental Impact Report for the Cannery Park development.

As I understand it, the draft EIR does not adequately analyze and disclose noise and safety impacts of the proposed at-grade crossing of the railroad tracks along F Street at Faro Avenue. A crossing at that location would generate excessive noise because trains are required to blow their horns for a quarter mile before reaching the crossing from either direction. The draft EIR states the horns will measure 107 decibels at 75 feet. However, the draft EIR contains no analysis of how loud those blasts would be at the homes of thousands of Davis residents who live within blocks of F Street and within a quarter mile of the proposed crossing, in what is now a quiet neighborhood.

The developer has applied to Union Pacific for a private crossing at this location. The draft EIR suggests that a “quiet zone” might be established for the proposed crossing. That is incorrect. The CPUC does not establish quiet zones for private crossings. Thus, if Union Pacific allows the proposed, private at-grade crossing, noise impacts will not be mitigated.

The draft EIR also fails to analyze and disclose reasonable alternatives to the proposed crossing that would eliminate noise and safety impacts. Section 3.11 of the draft EIR concedes that noise effects from trains blowing their horns will be significant, but claims they are unavoidable. In addition, the draft EIR at 3.11-22 states that the F Street crossing “is the only viable option that would provide adequate emergency access to the site.” I believe both of those statements are incorrect. First, there are already three exit points from the property onto Covell Blvd. and the report does not explain why these are inadequate. In addition, there are at least four alternatives for emergency evacuation from Cannery Park that are not analyzed in the draft EIR:

1. A surface water line is being tentatively planned to run along the north side of East Covell from Cannery Park to Poleline Road. The easement acquired by the City for the water line could also support a bicycle route to Poleline Road and beyond, which could be constructed also to serve as an evacuation route in the unlikely event one is needed.

2. There is an existing service road on the south side of the Channel A drainage area to the north of the Cannery Park parcel. An evacuation route could run north from the northwest corner of Cannery Park, parallel to the Union Pacific right of way, then east along the service road to Poleline Road.

3. The ten-foot bike trail beneath the East Covell railroad overcrossing, which runs along the east side of the tracks, should be wide enough for vehicles in the unlikely event of an evacuation. The trail could be widened if necessary, either by acquiring several feet of Union Pacific’s easement, or by slightly elevating the path to allow extending it over the constructed slope on the other side.

4. A grade separated crossing.

These four alternatives would allow evacuation from Cannery Park and would avoid adverse noise impacts and
2.0 Comments on Draft EIR and Responses

the threat to public safety posed by the proposed at-grade crossing on F Street. These alternatives should be thoroughly analyzed in the final EIR and ultimately deemed preferable to the at-grade crossing.

Thank you for your consideration.

Rita Bunch
248 Sandpiper Drive
rgbunch@sbcglobal.net
2.0 Comments on Draft EIR and Responses

Response to Letter 40: Rita Bunch, Resident of Davis

Response 40-1: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 40-2: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

Response 40-3: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses

Katherine Hess

From: Sara Russell <sararussell.614@gmail.com>
Sent: Wednesday, April 10, 2013 6:35 PM
To: Katherine Hess; Mitch Sears
Subject: Re: Cannery Park Draft EIR & Proposed Project

To: Katherine Hess, Community Development Administrator, City of Davis
cc: Mitch Sears, Sustainability Program Manager, City of Davis

From: Sara Russell, Davis resident

In addition to the Open Space & Habitat Commission’s comments on the draft EIR and project (in which I joined as a commissioner), individually I offer a few more comments:

1.

| Cross references: DEIR §1.3 & 2.3; mitigation measures 3.4-1, 3.4-2, 3.4-3, 3.4-4, 3.4-5, 3.4-6, 3.4-7 & 3.4-8; pp. 2.0-13 & 3.9-21-22. | Responsible agencies and trustees | The DEIR does not fully describe the regulatory/trustee roles of DFW and the RWQCB in the executive summary or the project description. Recommendation: Add:

1. DWF’s role in: (a) assuring protection of western pond turtles or giant garter snakes if found, (b) requiring protection of burrowing owls if found, (c) providing take authorization of Swainson hawks and nesting raptors if found, (d) approval of purchase of conservation easements due to loss of burrowing owl and Swainson hawk habitat, (e) requiring protection of protected mammals if found, and (f) approval of any riparian habitat restoration plans.
2. RWQCB’s role in possible issuance of NPDES permits/WDRS for permanent outfall and weir discharges.

| Cross References: Mitigation measures 3.4-3, 3.4-5 | Burrowing owl | The mitigation for loss of burrowing owl habitat should be expanded. Recommendation: The requirement for compensatory mitigation for loss of 48.6 acres of burrowing owl habitat should parallel that of the requirement for loss of Swainson hawk habitat, namely, it should be provided prior to construction. Similarly, if the Yolo Natural Heritage Program addresses burrowing owls, then mitigation measure 3.4-5 should require compliance.

| Cross References: Mitigation measures 3.4-10, 3.4-11, pp. 2.0-19, 3.9-21-22 | F Street channel outfall and weir overflow discharge point | The mitigation for the outfall should be expanded. Recommendation: In addition to any permits required by the RWQCB and DFW for construction of the outfall, the project proponent should consult with the RWQCB on the need for any NPDES permit/WDRS for the permanent discharge from the outfall (and weir). |
## 2.0 Comments on Draft EIR and Responses

<table>
<thead>
<tr>
<th>Cross References:</th>
<th>Pedestrian/Bike paths</th>
<th>Connectivity is limited and should be expanded.</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEIR pp. 2.0-16-17</td>
<td></td>
<td><strong>Recommendation:</strong> (a) Provide two pedestrian/bike paths for ingress and egress vs. one; and consider placement of the second path on or near the emergency at-grade access road — especially in light of the 4-7-13 article in the Davis Enterprise that the California Northern railroad Line may be abandoned/removed, (b) ensure that the connection south under Covell Blvd is well designed and lighted to assure safety of pedestrians and cyclists, including at night, and (c) ensure that the J Street intersection is designed to assure safety of pedestrians and cyclists who are crossing Covell Blvd.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cross References:</th>
<th>Removal of trees</th>
<th>Additional mitigation is suggested.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation measure 3.4-12</td>
<td></td>
<td><strong>Recommendation:</strong> That all 20 eucalyptus trees be removed. They crowd out natives and are a fire hazard.</td>
</tr>
</tbody>
</table>

---

41-4

41-5
2.0 Comments on Draft EIR and Responses

Response to Letter 41:  Sara Russell, Resident of Davis

Response 41-1: The commenter states that the Draft EIR does not fully describe the regulatory/trustee roles of the CDFW and the RWQCB. Changes to Page 2.0-4 of the Draft EIR have been made to expand and clarify the regulatory roles of these agencies as it relates to the proposed project. The commenter is referred to Section 3.0 of this Final EIR.

Response 41-2: The commenter states that the requirement for compensatory mitigation the loss of burrowing owl habitat should parallel the requirements for the loss of Swainson’s hawk habitat. The northern portion of the project site (48.6 acres) provides appropriate ground nesting habitat for a variety of birds, including burrowing owl. The southern half of the project site (former processing plant) does not provide appropriate ground nesting habitat. The offsite improvements site provides appropriate nesting and foraging habitat for a variety of birds, excluding burrowing owl. Field surveys identified burrows on the project site that could be used by the burrowing owls; however, during the May 20, 2011 and August 1, 2011 surveys, there were no burrowing owls observed or evidence of burrowing owls nesting on the project site. According to the Mitigation Methods section of the March 7, 2012 Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation,” mitigation is required for permanent impacts to nesting, occupied and satellite burrows if burrowing owls were found at the project in recent years. The project would not result in permanent impacts to nesting, occupied or satellite burrows. As such, compensatory mitigation for such permanent impacts is not warranted. However, there is a possibility that the unoccupied burrows become occupied in any given year as long as they are undisturbed and a food base remains intact. To minimize the potentially significant impact to burrows that may have become active since the surveys, Mitigation Measure 3.4-3 requires pre-construction surveys to be completed, and requires avoidance measures be implemented in the event that an occupied burrow is discovered.

Response 41-3: The commenter states that mitigation for the proposed drainage outfall into the F Street Channel should be expanded to include consultation with the RWQCB on the need for any NPDES permit or waste discharge permit. Mitigation Measure 3.4-11 already includes a requirement to consult with the RWQCB regarding any permits needed for the outfall improvements into the F Street Channel. This mitigation measure has been revised to include a specific reference to any changes or additional NPDES permit requirements. The commenter is referred to Section 3.0 of this Final EIR.

Response 41-4: The commenter includes requests for additional bicycle and pedestrian connectivity and safety. All bicycle facilities, pedestrian paths, and roadway crossings will be designed, built, and including lighting consistent with the applicable City of Davis
2.0 Comments on Draft EIR and Responses

design specifications. The commenter is also referred to Master Response 2 for an expanded discussion of bicycle safety. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 41-5: The commenter recommends that all 20 eucalyptus trees located on the project site be removed. This comment is noted and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.
2.0 Comments on Draft EIR and Responses

VIA ELECTRONIC AND FED-EX MAIL

Katherine Hess
Community Development Administrator
City of Davis
Department of Community Development and Sustainability
23 Russell Boulevard, Suite 2
Davis, CA 95616
khess@cityofdavis.org

Re: Cannery Project – Comments on Draft EIR

Dear Ms. Hess:

We represent North Davis Land Company ("NDLC"), and submit this letter on its behalf. We have reviewed the Draft Environmental Impact Report ("DEIR") for the Cannery Project and have the following comments.

The Cannery Project DEIR does not consistently characterize the potential for future development of the neighboring Covell site. In light of City policy and the history of the Covell site, residential development of the Covell site is reasonably foreseeable. Indeed, given the location of the Covell site (close to the City center, and surrounded on three sides by existing development), and the dearth of land except on other, more distant agricultural areas, the development of the Covell site is virtually inevitable; the issue is when, not if.

The “Blueprint” adopted by the Sacramento Area Council of Governments ("SACOG"), of which Davis is a member, designates the Covell site for medium-density, mixed-use residential development. The Blueprint recognizes both the Covell and Cannery sites as suitable locations for development due to their proximity to the City center and existing infrastructure, and to the compact form of development that would result. (See SACOG Blueprint, “preferred scenario map,” at: http://www.sacregionblueprint.org/sacregionblueprint/the_project/maps/counties/yolo/d...
The Cannery Project DEIR appears to recognize that the future development of the Covell site as mixed-use residential or light industrial is foreseeable, at least in some instances. The problem, however, is that the DEIR does so selectively and inconsistently. In particular, the City should revise the cumulative impact analysis to consistently recognize that development of the Covell site is reasonably foreseeable.

City policy and reasonable planning principles call for jointly planning the Cannery and Covell sites. Coordinated planning makes sense, given the fact that the sites are adjacent to one another, and necessarily share a host of infrastructure and resource issues. Both sites are surrounded by existing development. Both sites face many of the same planning issues (e.g., drainage, utilities, proximity to railroad tracks, integration with greenbelts and bike/pedestrian network, integration with Covell Boulevard, availability of City services). Nevertheless, the Cannery Project seems to turn its back on the Covell property.

Given its history, we recognize development of the Covell site is controversial. We also recognize there may be a concern that, if the Cannery Project is planned with a comprehensive approach in mind, the Cannery Project may somehow inadvertently induce development of the Covell site. Such a concern is misplaced. Under the City’s General Plan, if the City authorizes development on the Covell site, the voters must approve that decision. Whether the Covell site goes forward within the City will be determined by the City Council and the voters. Taking the Covell site into account in the planning for the Cannery Project will simply avoid the potential for creating illogical land-use patterns and for inefficiently planning infrastructure. Planning the Cannery will be more efficient if it occurs in collaboration with the Covell site, rather than under the false assumption that the Covell site will never be developed. We therefore encourage the City to engage in a comprehensive planning process that provides a vision and strategy for the best use of the Cannery Project site and neighboring lands.

We also have the following, specific comments on the DEIR.

1. **The Covell site and cumulative impacts**

   The 2007 Davis General Plan established that one of the City’s goals is to “[s]trive for accuracy and completeness in city studies.” (Davis General Plan, Goal IMP 7.) To support this goal, the Davis General Plan includes Action IMP 7.1(c) which directs the City to “[a]nalize and mitigate for cumulative (not just project-by-project) impacts
City of Davis – attn. Katherine Hess  
April 12, 2013  
Page 3

created by new projects.” The Cannery Project DEIR does not satisfy this goal because it does not consistently treat future development of the Covell site as foreseeable.

Several local and regional plans recognize that the future development of the Covell site is foreseeable.

The Davis General Plan recognizes that the Covell site is within the Sphere of Influence adopted by the Yolo County Local Agency Formation (LAFCO) to assist the City’s “decisions on boundary changes.” (Davis General Plan, pp. 33, 35, Fig. 6.) The Yolo LAFCO’s 2008 City of Davis Combined Municipal Service Review/ Sphere of Influence Update (“Davis SOI Update”) placed the Covell site in the City’s ten-year Sphere of Influence (Figures 1.0-1 and 1.0-2) based on the following criteria:

- Site promotes a compact urban form;
- Site is substantially bordered by existing urban uses;
- Site is suitable for future urbanization;
- Site can be easily served by the City or receives several services from the City; and
- Site would promote logical and orderly boundaries along physical or political features.
  (Davis SOI Update, p. 9.0-6.)

As the Davis SOI Update explains, the City “has limited options within existing City boundaries to accommodate growth” because there have been “no major annexations since 1998.” (Davis SOI Update, p. 3.0-1.) In particular, the Davis SOI Update identifies the Covell site as one of only three large undeveloped areas that “are most appropriate for future growth” based on the growth policies in the City’s own General Plan. (Davis SOI Update, p. 3.0-5, available at http://www.yolocounty.org/Index.aspx?page=1525.)

The City’s own planning reports identify the Covell site as a project that is reasonably foreseeable. For example, in the April 17, 2012, Staff Report on the Parks and Facilities Master Plan and Recommended Five-Year CIP, the Covell site is listed as a foreseeable project with the potential for 950 housing units that could result in 19.4 acres of land dedication and payment of an in-lieu fee. The Con Agra Cannery Project is included in this same list with a projected 610 housing units.
City of Davis – attn. Katherine Hess
April 12, 2013
Page 4

The City’s most recent Housing Element and the County’s 2009 General Plan also recognize that development of the Covell site is reasonably foreseeable.

The County’s General Plan designation for the Covell site is “Specific Plan.” County Policy LU-6.11 states the County will “[c]oordinate with the City of Davis to explore mutual opportunities regarding the following projects: . . . (f) The possibility of commercial and mixed uses at Covell Boulevard/Pole Line Road and the possibility of coordinated planning with the Hunt Wesson site.” Elsewhere, the General Plan contains policies to develop a specific plan for the Covell site in the near term.

Finally, as noted above, SACOG’s Blueprint identifies the Covell site as suitable for mixed-use residential projects.

Despite these reasons to recognize the future development of the Covell site as foreseeable, the Cannery Project DEIR does not consistently analyze cumulative effects under scenarios that include the development of the Covell site along with development of the Cannery site.

For example, the DEIR’s traffic analysis includes an analysis of projected, cumulative development. Under one scenario, the analysis assumes the Covell site will be developed for 1,200 residential units, as envisioned in City and SACOG planning documents. Alternatively, the traffic analysis assumes the site will be developed for light industrial uses. (DEIR, pp. 3.14-10 – 3.14-11.)

The balance of the DEIR’s analysis, however, does not identify the Covell site as a reasonably foreseeable project in its cumulative impacts analysis or otherwise. The analysis of cumulative impacts should be revised throughout the EIR to identify the development of the Covell site as reasonably foreseeable, in light of the extent to which planning documents consistently characterize the Covell site as suitable for a mixed-use residential project.

The DEIR states: “Cumulative impacts for most issue areas are not quantifiable and are therefore discussed in general terms as they pertain to development patterns in the surrounding region.” (DEIR, p. 4.0-3.) That statement is incorrect. Cumulative impacts can and should be analyzed quantitatively, where it is feasible to do so. Specific information is available concerning the cumulative effect of development on, for example, public services.

The City has the information necessary to perform cumulative impact analysis that takes into account the development of the Covell site. The Covell Village EIR certified
by the City analyzed the impacts of developing the Covell site; that analysis was not challenged, and now must be presumed valid. The Covell Village EIR addresses the same topics as the Cannery Project EIR, and its analysis can be used to support discussion of cumulative impacts in the Cannery Project EIR.

A number of impacts at the Cannery site are directly related to the development of the Covell site. These impacts include hydrology and water quality (drainage and flooding), utilities and public services. For example, given their proximity to one another, mitigation measures to address fire service impacts on one property will necessarily implicate those impacts on the other property. By considering that possibility now, the City will be able to identify appropriate mitigation measures to address fire services necessary to serve both properties.

The DEIR’s inconsistent treatment of the development of the Covell site as reasonably foreseeable results in internally contradictory conclusions. On the one hand, the DEIR concludes that “the fair share contributions by both projects [Cannery Project and a future project on the Covell site] are a viable mitigation strategy” for cumulative traffic impacts requiring signalization at four intersections. (DEIR 3.14-46; see Mitigation Measure 3.14-2.) Elsewhere, however, the Draft EIR states that the Cannery Project “will not be extending infrastructure connections to the Covell Village property, or constructing oversized infrastructure to accommodate eventual demands from development on Covell Village.” (DEIR 4.0-17.) That is illogical. The traffic chapter took the correct approach. The same approach should be used elsewhere.

2. Specific impacts

a. Stormwater drainage

The DEIR’s Hydrology and Water Quality section does not address how the future development of the Covell site for either residential or light industrial uses may affect the impacts of stormwater runoff from the Cannery Project. The DEIR estimates the Cannery Project will discharge stormwater onto the Covell site at a rate of 70 cfs during a 100-year/10-day flood event. (See DEIR, section 3.9, p. 3.9-5.) There is no comparison of flows and maximum surface water elevations (reported at multiple locations along Channel A as it traverses the Covell site) in cumulative impact scenarios where the Covell site is developed as residential or light industrial. Without this analysis, the DEIR does not adequately mitigate for increased flows downstream.

The DEIR relied on the 2012 Flood Control Master Plan (“FCMP”) along with the currently proposed Cannery Project Tentative Map Grading & Drainage Plan ("CP"
2.0 Comments on Draft EIR and Responses

City of Davis – attn. Katherine Hess
April 12, 2013
Page 6

Tentative Map”). The CP Tentative Map has a different land-use plan from that referenced in the 2012 FCMP. Therefore, the DEIR should include assurances that the Cannery Project’s Final Map Grading & Drainage Plan will be fully consistent with the FCMP. In particular, the Cannery Project’s pump station should be analyzed for full compliance with requirements of the FCMP, particularly as regards mitigation of downstream impacts.

The DEIR and the referenced final technical memo (January 10, 2013) do not indicate the expected timing or duration of the Cannery Project overflow weir’s (“CP-weir”) discharge onto the Covell site. The lack of this relevant project information leaves a possibility that, when the Covell site is developed, the peak flow from the Covell site will combine with the CP-weir’s flows to create significant effects that require mitigation.

The DEIR should include hydraulic analysis of the detention pond that quantifies the peak rate, volume and location of any pond overflows to the Covell site when the pond pump station is partially or fully out of service during the design storm. This analysis is necessary to quantify the peak rate, volume, and location of any pond overflows onto the Covell site under design storm events.

The DEIR should address noise impacts caused by the pumps and the routine exercising of emergency generators on existing residences across F Street and foreseeable future residences within the Covell site. The DEIR should include noise mitigation measures for these noise impacts.

The DEIR should address the need for a vector control program, which is necessary because the Cannery Project detention pond bottom is very flat and has the potential for standing water.

The Cannery Project should include robust pump station redundancy/reliability provisions as part of the pump station design and operating plan, including sufficient backup pumping capacity and emergency power supply.

The Cannery Project detention pond should have additional freeboard height, perhaps 2’ total instead of the indicated freeboard of 1’, because the freeboard is being provided by a raised berm.

The Cannery Project’s overflow weir and flow spreader should be located and designed to account for the likelihood that it will not be able to count on backwater
conditions to help dissipate the energy of the weir overflows that spill east onto the Covell site.

Finally, there should be a provision for vehicular access to allow for maintenance of the detention pond, overflow weir, and spillway structure along the outer edge of the pond, just inside Cannery Project’s north and east property lines. Adequate space on the Cannery Project site should be provided to allow for maintenance access to the toe of the berm’s land-side slope (i.e. north and east), and the foreseeable development of the Covell site should be considered.

b. Traffic

The DEIR’s Transportation and Circulation chapter does not provide an adequate discussion of the project’s effects on various intersections and at-grade bicycle crossings, and does not consider the potential for increased traffic on F Street north of Covell Boulevard. In particular, the DEIR does not consider whether the Cannery project will cause unacceptable traffic congestion at various intersections on F Street, including the intersections of F Street with Bueno Drive, Amapola Drive, Faro Avenue, Grande Avenue, and Anderson Road. (See DEIR, Tables 3.14-7, 3.14-9, 3.14-10.) According to observations by local residents, there is a high volume of students on bikes that cross F Street going to and from school each day, and over the last couple of years there has been a noticeable increase in traffic coming into town from Woodland. The DEIR should address these issues, especially under cumulative scenarios where the Covell site is developed for residential or light industrial uses.

The DEIR states the geographic scope of the traffic study was determined through “consultation with City of Davis staff.” (DEIR, p. 3.14-11.) Please identify ways in which the geographic scope of this traffic study differs from the traffic study performed for the Covell Village project. Given their proximity to one another, and the scale of the Cannery Project proposal, the geographic scope of analysis performed for the Cannery Project DEIR should include all of the intersections and road segments studied in the Covell Village EIR. That is particularly true because traffic congestion has increased in the course of the last decade, and the road network has changed little.

The traffic analysis does not evaluate project-specific or cumulative impacts at the Covell Boulevard off- and on-ramps with SR 113. These impacts should be considered, particularly because the traffic study considers impacts at intersections on either side of these ramps. That analysis is particularly important because the traffic study concludes most of the traffic generated by the project will travel west on Covell Boulevard, towards these ramps. (DEIR, p. 3.14-27.)
2.0 Comments on Draft EIR and Responses

City of Davis – attn. Katherine Hess
April 12, 2013
Page 8

Caltrans standards (rather than City of Davis standards) apply to the operation of these ramps. The analysis also does not consider impacts at the Mace Boulevard / I-80 ramps. Caltrans standards should be added to the description of the regulatory setting (section 3.14.4). Please indicate whether the traffic study was performed in accordance with Caltrans guidance for traffic studies affecting Caltrans facilities. In particular, indicate whether Caltrans CEQA guidance was followed. (See http://www.dot.ca.gov/hq/tpo/offices/occ/igr_ceqa_files/tisguide.pdf.)

Please describe consultations with Caltrans with respect to the Cannery Project’s impacts, particularly with respect to impacts on Caltrans facilities. In particular, please document compliance with Public Resources Code section 20192.4. The Cannery Project is subject to these consultation requirements. (See CEQA Guidelines, Cal. Code Regs., tit. 14, § 15206.)

The traffic chapter uses as a significance threshold a delay of five seconds or more, or increasing traffic by 1% or more, at an intersection already operating at LOS F. (DEIR, p. 3.14-25.) Please identify the source of this threshold. It would seem to allow for the possibility of an intersection deteriorating incrementally from unacceptable to gridlock, without ever identifying required mitigation.

The traffic analysis concludes traffic impacts at intersection #20, under existing plus project conditions, are significant and unavoidable. The analysis states the City can accept this condition if the conditions are part of a neighborhood or corridor plan. Absent such a plan, the General Plan prohibits approval of a project creating this impact. Other measures appear to be feasible and should be implemented. (See MM 3.14-1A, -1B, -E.) The impact is not unavoidable.

The traffic analysis identifies a number of improvements required to accommodate cumulative development (consisting primarily of the Cannery Project plus a future project on the Covell site). The DEIR states “fair share” contributions should be required so that the City collects the money necessary to construct these improvements. Please identify the Cannery’s “fair share” percentage of the cost of these improvements. Please identify the other projects that will be expected to pay this “fair share.” Please indicate whether these contributions will, taken together, add up to 100%. If not, please identify where the City will obtain the funds necessary to make up the shortfall.

The traffic analysis concludes the Cannery Project will not result in a significant impact with respect to emergency access. (DEIR, p. 3.14-48.) Please describe the extent to which the City consulted with emergency service providers in reaching this
2.0 Comments on Draft EIR and Responses

City of Davis – attn. Katherine Hess
April 12, 2013
Page 9

conclusion. In particular, indicate whether these providers are satisfied with the proposed
Emergency Vehicle Access at the northwest corner of the site.

The Cannery Project requires the importation of fill. Please estimate the amount
of fill to be imported. Please estimate of the number of truck trips that will be required to
import this material, analyze the impacts associated with these trips (in terms of level of
service, traffic safety, noise, air pollutant emissions, and road maintenance), and identify
appropriate mitigation. Please describe any environmental impacts to the land from
where the fill will be taken.

c. Public services – fire station

The DEIR concludes the Cannery Project will result in a significant and
unavoidable impact with respect to fire service response times. The DEIR concludes
constructing a fourth fire station to serve north central Davis would address this impact.
The DEIR nevertheless concludes this impact is significant and unavoidable. (DEIR, p.
3.13-14.) This discussion is insufficient.

As early as 1999, the City “identified a need for a fourth fire station . . . in order to
maintain an adequate response time for most of the City.” (Davis SOI, p. 4.0-27.) The
2007 Davis General Plan stated that the City Council had directed the Fire Department to
“pursue planning for a fourth fire station” in order to improve the department’s five-
minute response time coverage. (Davis General Plan, p. 312.)

The DEIR briefly discusses Policy POLFIRE 1.2 from the Davis General Plan,
which requires the city to “[d]evelop and maintain the capacity to reach all areas of the
City with . . . fire service within a five-minute emergency response time, 90% of the
time.” The DEIR even acknowledges that the project’s significant and unavoidable
impact to fire response times “would be reduced when . . . the City builds a fourth fire
station to serve the northern portion of the city.” (DEIR, p. 3.13-14.) Nonetheless, the
DEIR does not identify any mitigation measures that could support construction of a
fourth fire station. The DEIR briefly acknowledges that the Covell Village project had
been proposed to include construction of a fourth fire station, but it does not discuss why
the Cannery Project cannot and does not include construction of a fourth fire station as a
project element, or even make a fair-share contribution to the future construction of a
fourth fire station.

The DEIR should explain why it is infeasible to require the Cannery to provide
land and financing for the construction of a fourth fire station. In fact, it is not infeasible.
The developer would be entitled to reimbursement from other development in the area
City of Davis – attn. Katherine Hess  
April 12, 2013  
Page 10

(e.g., the Covell site) that would benefit from this improvement. At a minimum, the DEIR should include a mitigation measure requiring Cannery Project to make a fair-share payment towards the cost of acquiring land for, constructing, and staffing a fire station. This measure is feasible, and much greater requirements were placed on the previously proposed Covell Village Project. (See Exhibit A.) Given that the project requires a General Plan amendment, and the General Plan identifies the need for a fourth fire station, the City has discretion to require the Cannery to provide one.

Please describe the fire station incorporated into the Covell Village project at the time that project was proposed. (See Exhibit A, listing as Covell Village “Developer Requirements” the building and equipping of a new fire station or a donation of $4 million, the donation of $12.1 million over a nine-year period for operations, the donation of 1.7 acres for a new fire station, and an additional donation of $425,000 for fire apparatus.) The City should require an equal exaction of the Cannery Project, given that the problem still remains.

The DEIR appears to take the position that the City need not reconsider this issue because the City already adopted a statement of overriding considerations on this issue in connection with the General Plan. There is no authority for taking that position here. The Cannery Project requires a General Plan amendment. The amendment is not a mere technicality; it results in a wholesale change in the land-use designations applicable to the site. The change in General Plan designation exacerbates the shortfall in response times. The need for an amendment also provides the City with an opportunity to require the developer to fix the problem. The City cannot merely point to the statement of overriding considerations, and then throw up its hands. The City must instead do what is feasible to fix the problem. Requiring the developer to provide a fire station is feasible, as the earlier Covell Village proposal demonstrates.

d. Emergency vehicle access

The DEIR states that the Cannery Project proposes an emergency vehicle access (EVA) on F Street opposite Faro Avenue. (DEIR, p. 3.14-38.) There is no discussion of why this location is best suited to be an EVA, or whether other locations were even considered for an EVA. An at-grade crossing here would require approval by Union Pacific, but the DEIR does not explain what would happen if approval is not granted. The DEIR should also set forth the safety measures for the at-grade crossing should it be approved.

A comprehensive study of the entire area, including the Covell site, would identify alternative locations for an EVA. The Cannery’s proposed EVA involves an at-grade rail
crossing, which will result in noise impacts whenever a train passes through the area due to horn blow requirements. By broadening the analysis to include the entire area, an alternative location for the EVA could be devised that avoids these problems, and also accommodates potential future development of the Covell site.

e. Wastewater

On page 3.15-5, the DEIR states the Cannery Project could pursue one of two options for connecting on-site sewer lines to the City’s existing trunk sewer lines. The project could either: (1) connect a new 10-inch diameter sewer line that travels easterly along Covell Boulevard until it connects to the existing 42-inch trunk sewer line, or (2) replace the existing 36-inch trunk sewer line that runs along Covell Boulevard with a 39-inch or 42-inch line (because the 36-inch line is nearing capacity). The City should require the second option. That approach would solve an existing capacity issue, while also providing adequate conveyance capacity for the Cannery Project. To the extent the second option involves increased costs, the Cannery would have a right to reimbursement from other development. This approach would also address cumulative sewer conveyance capacity impacts, which the DEIR currently does not address.

f. Pedestrian and bike paths

The DEIR’s Project Description includes a short discussion of off-site pedestrian and bike path connections, which identifies a proposed alignment with two proposed alternatives “to achieve the connection.” (DEIR, p. 2.0-17.) The DEIR also includes Figures 2-11 through 2-13 to illustrate these proposed paths. The DEIR does not otherwise analyze the impacts of constructing these paths, or identify and analyze other potential alignments.

The DEIR should address whether adequate, existing right-of-way exists to construct these alignments. If not, does the City plan to exercise its eminent domain powers to acquire the necessary right-of-way? The DEIR should also address the impacts associated with constructing a path next to an apartment complex (e.g. Cranbrook Apartments and Pinecrest Apartments). The ten-foot-wide fenced area shown in Figure 2-11a is not adequate for a Class I bikeway because there are shy distances from fences that will increase the fenced width. A shy distance of two feet is typically required, resulting in a total width of 14 feet. Consequently, the feasibility of the path shown in Figure 2-11a is uncertain.

Finally, had the DEIR discussed the foreseeable development of the Covell site in relation to the need for offsite bike and pedestrian pathways, the DEIR would have
identified the need to complete the missing link in the north Davis bike/pedestrian loop, running from F Street to Pole Line Road. This route would include a Class I bikeway, walking/running trail, and grade separations at Pole Line Road and F Street. If this path is completed, Cannery Project should be required to contribute to the construction costs because it will benefit from this improvement.

42-32 cont.

g. GHG

The DEIR states that the City consulted with SACOG in determining that the Cannery Project is consistent with the Sustainable Communities Strategy recently adopted by SACOG. (DEIR, p. 3.7-28.) The DEIR does not cite a source for this statement. Please cite the source and include documentation in the Final EIR.

42-33

3. Other inaccuracies and omissions in the DEIR

Below is a list of other inaccuracies and omissions in the DEIR that need to be addressed:

- The Covell site is 383.7 acres, not 422 acres as stated in the DEIR on pages 3.14-35 and 4.0-12.

42-34

- The Covell site has been assigned a “Specific Plan” land use designation by the County General Plan, not a designation of “Light Industrial” as stated in the DEIR on page 3.14-11. (See County of Yolo 2030 Countywide General Plan, LU-8, LU-16 [assigning the Covell site a Specific Plan land use designation, under which land uses consistent with the existing zoning are allowed, pending approval of a specific plan].) A copy of the 2030 General Plan is available at the following site: http://www.yolocounty.org/index.aspx?page=1965.

42-35

- The DEIR should explain why the Cannery Project was required to contribute so little funding for public services and affordable housing, or why it was not required to provide more donations of land or easements for public use, especially when compared to the lengthy list of requirements imposed on the previously proposed Covell Village project. (See Exhibit B.)

42-36

- The DEIR should provide more details about the feasibility of an urban farm.

42-37

- The DEIR should specify the timing of implementation for various mitigation measures, including Mitigation Measures 3.14-1A to 1F.

42-38
2.0 Comments on Draft EIR and Responses

City of Davis – attn. Katherine Hess
April 12, 2013
Page 13

- The DEIR should evaluate alternatives for separated grade crossings, including the potential for one to be located in the southwest corner of Cannery Project.

- The DEIR does not discuss and does not mitigate for the effects of the existing abandoned 24” wastewater pipeline that travels under the Covell site pursuant to an old easement.

4. Documents referenced in DEIR that were not made available to the public

The DEIR references a large number of documents. Some documents are available on the City’s website, or can be accessed by a link to a “Drop Box” account provided by City staff. But some of the documents listed in the DEIR were not available in any of the stated locations. See Exhibit B for a list of these documents.

A notice issued by the City states the DEIR is available for review at the Community Development Department. We visited the Community Development Department during the public comment period. We asked to see the documents referenced in the DEIR. We were told the documents were available on the City’s website for the Cannery Project. The documents on the City’s website, and in the “Drop Box” folders for which City staff provided a link upon request, do not include many of the documents cited in the DEIR. (See Exhibit B.) For this reason, the City has not complied with Public Resources Code section 20192, subdivision (b)(1).

5. Comprehensive planning for north-central Davis

Many of our concerns with the DEIR stem from the decision to plan the Cannery Project, without regard for its surroundings. These concerns could be addressed if the City engaged in a comprehensive planning process that provides a vision and strategy for the best use of the Cannery Project site and neighboring lands. This approach would have at least six benefits.

First, as explained above, the Covell site is in the City’s ten-year Sphere of Influence. The Covell site has been identified by Yolo LAFCO to be one of only three large undeveloped areas most appropriate for development based on growth policies in the City’s General Plan. The Covell site is designated for development under the County General Plan. It is also identified as land suitable for residential development in the City’s Housing Element, and in SACOG’s Blueprint. The decision to essentially ignore the Covell site in planning the Cannery Project therefore makes no sense.
Second, a comprehensive planning process is more likely to result in safe connectivity for pedestrians and bikes within project sites and in adjacent neighborhoods. For example, the Safe Routes to School audits, currently underway, will lead to recommendations for improved access to elementary and junior high schools throughout Davis.

Third, planning for the Davis-Woodland Water Supply Project is currently underway. The proposed water pipelines will travel under both the Covell and Cannery Project sites. A City-directed comprehensive planning process for the area would help inform the CEQA review process for the Davis-Woodland Water Supply Project, and potentially result in placement of pipelines that benefit both the Cannery Project and Covell sites.

Fourth, the Public Utilities Commission is requiring PG&E to replace the main gas line that runs through the Covell property from Covell Blvd. to the north. Discussions are already underway as to the best location for the new gas line. Currently, the relocation of the line is being proposed along the property line between the Cannery Project site and the western border of the Covell site. The work would begin sometime during the summer of 2013. Given the restraints upon roadways and other infrastructure elements overlying the gas line, having a comprehensive circulation and connectivity plan in place for roadways and bike paths between the two sites would allow for the best decision-making regarding the final gas line location.

Fifth, the East Covell Boulevard Complete Street Plan that is underway would be improved if the foreseeable development of the Covell site is addressed. The proposed corridor plan is intended to allow the Cannery Project planning process to inform the corridor plan’s planning process and vice versa. (October 9, 2012 Staff Report to City Council, Item No. 8, p. 4.) The City Council is projected to review and adopt the plan in April 2013. (Id. at p. 6.)

Sixth, the Cannery developer has requested fill material from the Covell site. The developer has identified a need for 161,333 yards of dirt. Unfortunately, the NDLC cannot accommodate this request without a better understanding of their own excavation needs, which would require a conceptual land plan. Unless there is a vision of how the two neighboring lands might be planned, this type of request is almost impossible to consider.

Finally, a comprehensive planning effort encompassing the entire area would enable the City to consider the extent to which rezoning the Cannery site for residential uses would affect the City’s supply of land available for office park or high tech uses.
The City has a longstanding interest in attracting high tech development. As recently as November 2012, the City’s Innovation Park Task Force concluded:

“Based on the 10 year historic and current supply of vacant parcels available for office and flex development would be absorbed in about 15 years. The Cannery Park site is in a strong competitive position to capture future business park demand, due to the existing balance of the current vacant inventory that could accommodate business park demand. Once Interland and Mace Ranch build out, the Cannery Park site will have no significant business park competition, given the existing land supply.”

Now, the City is being asked to consider amending its General Plan so that the Cannery site would no longer be designated for light industrial uses. The City should consider the policy implications of that request. In particular, to the extent the City is committed to accommodating high tech, the City should consider what other land will be available to meet that need, once the Cannery site is no longer available.

A collaborative approach to planning the Cannery and Covell sites was explicitly endorsed in the Yolo County General Plan as Land Use Policy 6.11, which directs the County to:

“Coordinate with the City of Davis to explore mutual opportunities regarding . . . [t]he possibility of commercial and mixed uses at Covell Boulevard/Pole Line Road and the possibility of coordinated planning with the Hunt Wesson site [a.k.a. Cannery site].”

(County of Yolo 2030 Countywide General Plan, LU-26 to 27.) The Cannery Project DEIR effectively rejects any possibility of coordinated planning with the County, and thus is inconsistent with the County General Plan.

Whether to jointly plan the Cannery Project with the Covell site should not be driven by vague political calculations. Instead, the facts on the ground should guide the City’s approach. Those facts make it apparent that the best way to plan the Cannery Project is to do so in a way that addresses infrastructure and resource issues on both the Cannery and Covell sites.
City of Davis – attn. Katherine Hess
April 12, 2013
Page 16

Thank you for the opportunity to provide these comments. We look forward to the City’s responses.

Very truly yours,

[Signature]
Whitman F. Manley

Enclosures: Exhibits A and B
EXHIBIT A
OVERVIEW

The City's agreement with the developers of Covell Village requires the project to feature homes, 105 acres of parks and open space, and a Village Center.

The agreement places other requirements on the project's developers, including funding a new fire station, building affordable housing, providing solar electricity, and permanently protecting farmland.

LOCATION

The Covell Village site, located on 383 acres north of Covell Boulevard between Pole Line Road and F Street, does not include the old Hunt's cannery site. Its northern border is even with the northern borders of Wildhorse and Northstar.

HOMES

Over a period of 10 years, the developers will be required to provide 1864 homes in Covell Village at an average rate of 186 homes per year, including approximately:

- 600 market-rate homes. Average lot size: 5,400 square feet.
- 315 middle-income homes. Average lot size: 3,250 square feet.
- 85 middle-income senior condos or townhomes.
- 150 senior homes. Average lot size: 4,500 square feet.
- 212 apartments.
- 144 low and moderate-income homes.
- 358 other dwellings, such as affordable apartments, live-work lofts, Village Center apartments, and a co-housing project.

PARKS AND OPEN SPACE

Covell Village will be required to have over 105 acres of parks and open space.

- A 34-acre wetland habitat, like the Northstar pond.
- A 27-acre nature corridor, running east-west.
- 16 acres of greenbelts.
- 12 acres of mini-parks.
- An 11-acre central park.
2.0 Comments on Draft EIR and Responses

- 4 acres of "linear greens" (long, narrow parks).
- A village green and other green spaces (under 2 acres).

VILLAGE CENTER

Covell Village’s walkable, multi-story, mixed-use Village Center -- blending commercial, civic and residential uses -- will be required to meet "New Urbanist" planning and architectural design criteria.

OTHER DEVELOPER REQUIREMENTS

The developers of Covell Village are required to:

- Build and equip a new fire station or donate $4 million, whichever is less.
- Give the City $12.1 million over a 9-year period to defray fire station operations.
- Donate 1.7 acres for the fire station at the intersection of Covell and L Street.
- Donate another $425,000 for fire apparatus.
- Install a 1Kw solar photovoltaic system on every single-family home.
- Build and make available more affordable housing than has previously been required in Davis.
- Complete all parks and open spaces within two years of starting each phase.
- Maintain all parks and open spaces at their own expense for at least five years.
- Give 776 acres of permanent farmland easements to the City.
- Improve 60 acres of habitat or natural corridor similar to the Northstar pond.
- Buy Nugget Soccer Fields and donate them to the City for permanent sports use.
- Donate land and $2.75 million for a Community Center in the Village Center.
- Fund up to $500,000 of traffic calming measures for L Street, J Street and Claremont Drive.
- Fund unlimited bus use by assessing Covell Village residents.
- Fund a community amphitheater and public art improvements in Covell Village.
- Donate a 10-acre site to the Davis Joint Unified School District.
- Pay for an additional police car.

Draft Baseline Project Features
2.0 Comments on Draft EIR and Responses

EXHIBIT B
2.0 Comments on Draft EIR and Responses

Exhibit B
Documents referenced in the Cannery Project DEIR that were not made available to the public

- California Department of Conservation, Farmland Mapping and Monitoring Program. (DEIR, p. 3.2-1)


- City of Davis Capital Improvement Program (DEIR, p. 3.14-1)

- City of Davis Housing Element (DEIR, p. 3.10-1, 3.12)

- City of Davis Travel Demand Model Development Report, Fehr & Peers, 2003) (DEIR, p. 3.14-1)

- City of Davis Zoning Code (DEIR, p. 3.10-1, 3.12)

- Data from the 1993 State of the City Report (DEIR, p. 3.7-23, fn. 9)

- Delineation of Potential Jurisdictional Wetlands under Section 404 of the Clean Water Act, Con Agra Project Site, Yolo County, California (Wetlands Research Associates, 2002) (DEIR, p. 3.4-1)

- Draft EIR for the Covell Village Project (2004) (DEIR, p. 3.10-1)

- Geotechnical guidance and studies (DEIR, p. 3.8-1)

- Guidance and analysis of GHG emissions (DEIR, chapter 3.7)

- Guidance and technical studies for biological resources (DEIR, p. 3.4-1)


- Personal communications with Michael Adell, director of Facilities, DJUSD (DEIR, p. 3.13-1)

- Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School (General Plan Update EIR) (DEIR, p. 3.10-1, 3.12-1)

- Soil Survey of Yolo County, California (USDA 1972), Site Closure Leaking Underground Storage Tank Y.C. file#: L-36 (Yolo County Department of Public Health 1989) (DEIR, p. 3.8-1)

1 EXHIBIT B
EXHIBIT B

Documents referenced in the Cannery Project DEIR that were not made available to the public

- Soil Survey of Yolo County, California (USDA, 1972) (DEIR, p. 3.2-1, 3.5-1, 3.6-1)

- Special Status Plant Survey, Con Agra, Yolo County (Gibson and Skordal, 2011), Special-Status Plant Survey, Con Agra, Yolo County (Gibson and Skordal, 2012) (DEIR, p. 3.4-1)

- Table 3 of Davis Greenhouse Gas Inventory and Forecast Report (May 2008) by Christa Clark Jones (Estimates do not include transportation related effects and assume building related GHG emissions) (DEIR, p. 3.7-23, fn. 8)

- Technical analyses and plans re: flooding and drainage (DEIR, p. 3.9-1) (some of these documents are included in appendices, but most are not.)

- Trip Generation (Institute of Transportation Engineers, 2008) (DEIR, p. 3.14-1)
- Trip Generation Handbook (ITE, 2004) (DEIR, p. 3.14-1)

- US Census Data (DEIR, p. 3.12-1)

- Wetland Verification Letter (United States Army Corps of Engineers, 2002), Wetlands Verification Letter (United States Army Corps of Engineers, 2008) (DEIR, p. 3.4-1)

- Yolo County 2030 Countywide General Plan (Yolo County, 2009) (DEIR, p. 3.2-1)
Response to Letter 42: Whitman Manley, Remy|Moose|Manley

**Response 42-1:** The commenter states that the Draft EIR does not consistently characterize the potential for future development of the neighboring Covell site. The commenter is referred to Page 4.0-2 which explains that the cumulative analysis for this EIR is based on the City of Davis General Plan (May 2001) and the Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School (General Plan Update EIR) (January 2000). The cumulative traffic analysis was also based on full buildout of the UC Davis 2003 Long Range Development Plan. The traffic analysis also contained two separate scenarios with differing assumptions for development of the Covell Village project site, which is adjacent to the Cannery site. The first scenario assumed the adjacent Covell Village project site was developed with 1,200 housing units under cumulative conditions. The second scenario assumed the Covell Village project site was developed per its existing Yolo County zoning designation of Light Industrial (yielding 4.6 million square feet of space). These cumulative traffic scenarios and assumptions are described in greater detail in Section 3.14. Given that the air and noise analyses for the proposed project are based upon the traffic data prepared for the project, the air and noise cumulative settings include the same parameters as the traffic cumulative setting. The legal and land use constraints that affect the development potential of the Covell Village site are referenced in the Draft EIR. These constraints include, but are not limited to, the requirement that the site be annexed into the City of Davis, and that the General Plan Amendment and baseline project features be approved by the electorate through a vote pursuant to Measure J/Measure R. The designation of the Covell Village site under the 2004 SACOG Blueprint is noted, but the importance of this designation should not be elevated above the more specific land use regulations applicable to this site that have been imposed by the County of Yolo and the City of Davis. As a planning initiative, the SACOG Blueprint was a precursor to the more recent Sustainable Communities Strategy (SCS) adopted by SACOG in 2012. While many Blueprint principles were incorporated into the SCS, the Blueprint is essentially superseded by the SCS, and unlike the Blueprint, the SCS is a document with regulatory effect due to the requirements of SB 375. The SCS recognizes that the Covell Village site is within the City’s Sphere of Influence, but the SCS does not identify development of this site by the year 2035. See SCS Appendix E-3, at p. 61.

**Response 42-2:** The commenter states that the cumulative analysis should be revised to consistently address the future development of the Covell site. The commenter is referred to Response 42-1. It is not the role of the Draft EIR to make predictions about whether development of the Covell site is “reasonably foreseeable” by one definition or another, or to attempt to predict (or advocate for) a timeframe by which the legal and procedural impediments to development would be overcome. Nevertheless, the Covell site is addressed in the cumulative analysis in the Draft EIR, as shown in Section
2.0 Comments on Draft EIR and Responses

4.0 of the Draft EIR. The cumulative setting for each environmental topic is clearly addressed under each environmental topic addressed in Section 4.0 of the Draft EIR. This issue has been addressed, and no changes to the Draft EIR are required.

Response 42-3: The commenter suggests that the City jointly plan for development of the Cannery site and the Covell site. The comment states that “City policy” requires a joint planning effort, but does not cite a specific policy in support of this assertion, and there is no policy specific to these two sites. This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. While the commenter advocates for greater planning and design integration between the Covell site and the project, this is not a comment on the adequacy of the Draft EIR as an informational document under CEQA.

Response 42-4: The commenter states that the Draft EIR does not treat future development of the Covell site as foreseeable. The comment is referred to Responses to Comments 42-1 and 42-2. Future development of the Covell site was assumed in the cumulative analysis in the EIR. In this regard, the cumulative analysis can be considered “accurate and complete” and supportive of General Plan Goal IMP 7.

Response 42-5: The commenter provides additional information supporting the claim that the Covell site should be considered for future development in the EIR. It is recognized that the Covell property lies within the City’s Sphere of Influence adopted in 2008. In part because of this fact, development of the Covell site is included within the cumulative impacts analysis conducted in the Draft EIR. While the commenter describes a number of planning documents and reports that discuss the potential for future development of the Covell site, the applicability of Measure J/Measure R to this site must also be taken into account. The commenter is referred to Responses to Comments 42-1 and 42-2.

Response 42-6: The commenter acknowledges that that the Draft EIR addresses the Covell site in the cumulative analysis. The Covell site was also assumed in the cumulative analysis for air quality, noise, hydrology, and utilities in the Draft EIR. Other CEQA topics, such as geology and soils, cultural resources, hazards, etc., are primarily site specific. Therefore, while a cumulative analysis was completed for each environmental topic addressed in the Draft EIR, specific reference to the adjacent Covell site was appropriately not included (or at least not referenced by name) in the cumulative analysis for some environmental topics. The cumulative setting assumed for each environmental topic addressed in the Draft EIR is included in Section 4.0 of the Draft EIR. In most cases, the cumulative setting includes the City of Davis Planning Area, as defined in the Davis General Plan. The Covell site is located within the Planning Area, and as such, was included and considered in the cumulative analyses in the Draft EIR. This issue has been adequately addressed in a straightforward fashion, as CEQA requires.
2.0 Comments on Draft EIR and Responses

Response 42-7: The commenter states that cumulative impacts should be analyzed quantitatively, where it is feasible to do so. The commenter is correct. The Draft EIR has correctly included a quantitative analysis of cumulative impacts, where feasible. Public services and utilities, such as water supplies and wastewater generation were addressed quantitatively under cumulative conditions. It is not the role of a project-level EIR for the Cannery to perform what amounts to a project-specific analysis of future development at the Covell site, as the commenter requests. This issue has been adequately addressed.

Response 42-8: The commenter states that the Covell Village EIR was certified by the City and analyzed the impacts of developing the Covell site. However, it is not the role of this EIR to pass legal or practical judgment on the continuing validity of this 2005 document under current CEQA requirements, or to assume whether or to what extent the analysis in that document would be pertinent to any future development plan that might be under consideration by the owners of that site.. The Cannery EIR addressed impacts related to development of the Cannery site, an included a cumulative analysis of potential impacts that assumed future development of the Covell site. The commenter implies that mitigation measures and infrastructure improvements developed for the Cannery project should include coordinated planning and infrastructure sharing with the adjacent Covell site. However, the commenter did not provide any specific suggestions for mitigation measures that should be applied to the proposed project. This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 42-9: The commenter states that there are inconsistencies regarding the treatment of the Covell site in the Draft EIR. As noted by the commenter, the cumulative traffic analysis assumed development of the Covell site under two scenarios (residential and light industrial). The cumulative traffic impact analysis identified cumulative traffic impacts that would result if both the Covell site and the Cannery site were developed. Mitigation measures are identified that would reduce cumulative traffic impacts, and require the contribution of fair-share fee payments towards the completion of these improvements. The commenter is correct that the Cannery project does not propose to extend infrastructure onto the adjacent Covell site. The proposed Cannery project can meet its offsite infrastructure needs without using land within the adjacent Covell site. CEQA is cognizant of concerns related to growth inducing impacts, among which are the elimination of obstacles to growth, including both physical and regulatory obstacles, or the extension of new or oversized infrastructure. Neither of these growth-inducing factors are implicated in the Cannery project as proposed, and CEQA does not obligate the Draft EIR to overstate the growth-inducing potential of the project for the benefit of future development plans on the Covell site.

Response 42-10: The commenter states that the Draft EIR does not address how future development of the Covell site may affect the impacts of stormwater from the Cannery site. The Draft
2.0 Comments on Draft EIR and Responses

EIR includes a full and detailed analysis of stormwater and drainage impacts associated with development of the Cannery site. This analysis was based on detailed hydraulic modeling of the proposed Cannery site plan. While future development of the Covell site has been assumed in the Draft EIR, the final site plan, onsite drainage plans, and other site-specific details of any future development on the Covell site are not known. Any future development on the Covell site would be required to complete a site specific drainage and flood control analysis to ensure that offsite and onsite flooding impacts do not occur. A project-level analysis of the drainage conditions of a future Covell site development is not appropriate for inclusion in this EIR. It is further noted that the while the proposed Cannery land use plan has been updated since the 2012 Cannery Flood Control Master Plan was prepared, a technical memo was prepared and included as Appendix L2 to the Draft EIR, which explained that the analysis contained in the 2012 Cannery Flood Control Master Plan was valid and applicable to the slightly revised site plan, and that all impacts related to drainage and flood control would be mitigated to a less than significant level. It is further noted that Mitigation Measure 3.9-3 states that prior to approval of the Final Map for the project, and prior to the commencement of any grading operations, the project proponent shall prepare an update to the Flood Control Master Plan. The revised FCMP must be reviewed and approved by the City of Davis Department of Public Works prior to the commencement of grading activities. The updated FCMP shall address the following:

- The final land uses and areas of impervious surface in the Tentative Map shall be included in the FCMP and the drainage calculations in the FCMP shall address the drainage and runoff rates of the final conditions in the approved Tentative Map.

- The FCMP shall include a figure showing the final locations and sizes of the storm drainage facilities throughout the project site, and shall include water surface elevations for the City of Davis 10-year and 100-year storms.

- The FCMP shall include a table showing the Rational Method Calculations for determining the storm drain pipe sizes.

- All building pads shall be set at least 1.0 foot above the 100-year water elevation.

- The FCMP and the project’s drainage system shall meet or exceed the performance drainage standards shown in Table 3.9-2, and the weirs shall be designed to limit post development peak discharges and volumes to the property to the east to no more than the rates and volumes under existing conditions for design storms up to the 200-year event.

- The revised drainage system shall meet or exceed the City’s and the County’s drainage planning and design criteria.
2.0 Comments on Draft EIR and Responses

This impact has been fully addressed in the Draft EIR and no changes to the Draft EIR are required.

Response 42-11: The commenter states that the Draft EIR and referenced final technical memo do not indicate the expected timing or duration of the Cannery overflow weir’s discharge onto the Covell site and that the future development of the Covell site may require mitigation for peak flow discharges. This comment is noted. If and when a development application for the Covell site is received, the project shall be required to demonstrate adequate flood control facilities. It is feasible and even likely that the future development of the Covell site would require mitigation to be incorporated to improve peak flow water volume conditions. No changes to the Draft EIR are required.

Response 42-12: The commenter requests additional analysis related to the proposed project’s stormwater detention system. This comment is noted. The Draft EIR and Appendices L1 and L2 include a detailed analysis of the operational characteristics and effectiveness of the proposed drainage and flood control system. The commenter is also referred to Response 42-10, which describes additional refinement to the flood control system in order to ensure full compliance with City and County engineering and design standards. This issue has been adequately addressed in the Draft EIR.

Response 42-13: The commenter states that the Draft EIR should include an analysis of noise impacts associated with operation of the pumps. Any pumps placed adjacent to the F Street Channel would be more than 200 feet away from the nearest on-site residence, and fully enclosed to reduce noise impacts. The nearest off-site residence to this location is over 350 feet away, across F Street and separated by the railroad corridor, the drainage channel and a solid fence. Property to the north of the site is agricultural land within the unincorporated County. It is further noted that the pumps would only operate occasionally and for very short periods of time. There is no potential for the pumps to result in significant on or offsite noise impacts. No changes to the Draft EIR are required.

Response 42-14: The commenter states that the Draft EIR should address the need for a vector control program. The commenter is referred to Impact 3.8-8 and Mitigation Measure 3.8-6. This issue has been addressed in the Draft EIR.

Response 42-15: The commenter provides design and operational suggestions with respect to the project’s drainage system. This comment expresses a project design preference, but does not comment on the adequacy of the Draft EIR as an informational document, or suggest that the proposed design changes are needed in order to satisfy regulatory requirements or to mitigate a potentially significant impact. The project’s drainage system, as proposed, would reduce potential onsite and offsite flooding and drainage impacts to a less than significant level.

Response 42-16: The commenter states that the Draft EIR should address the potential for increased
2.0 Comments on Draft EIR and Responses

Traffic on F Street, north of Covell Boulevard. The commenter is referred to Response H-15. Traffic counts for the Draft EIR were performed in May 2011 and in February 2012, and thus would represent current conditions, including traffic between the Cities of Woodland and Davis. The comment does not offer substantial evidence that suggests traffic conditions have materially changed since the counts were performed in 2011, but in any event under CEQA, lead agencies must identify the existing physical environment – i.e., the baseline set of environmental conditions – against which to compare a project’s expected impacts, in order to determine whether project impacts are “significant.” (Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors (2001) 87 Cal.App.4th 99, 119.) The lead agency does this by measuring the increment between pre-project and likely post-project environmental conditions. (County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 955.)

CEQA Guidelines section 15125 generally defines the baseline as the physical conditions then in existence when the Notice of Preparation (“NOP”) is published at the inception of the environmental review:

An EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation is published, or if no notice is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. (CEQA Guidelines § 15125 (a).)

The traffic counts were conducted in dry weather, and while schools were in session, and include counts of bicycle volumes.

Response 42-17: The commenter notes that the geographical scope for the traffic study completed for the proposed project differs from the traffic scope for the Covell Village project EIR and requests an explanation of why these scopes are different. It is noted that the proposed Cannery project and the Covell Village project, while located in proximity to each other represent very different project types with differing unit counts, different traffic generation volumes, and the two traffic studies were completed nearly a decade apart. The Covell Village project analyzed in 2004 was much larger than the Cannery, with an estimated total external trip generation of 20,479 trips per day. The total daily trip generation of the Cannery is 12,040. Given the differences in size and trip generation between these two projects, the study area for the Covell Village project was appropriately larger, because a greater number of intersections were affected. CEQA does not require the Draft EIR to identify all of the ways in which the Cannery traffic analysis “differs” from another analysis performed a decade ago for a different project on a different site. However, a comparison of the “existing conditions” information in both EIRs indicates that intersection levels of service at commonly studied intersections are for the most part not materially different. Compare Draft EIR Table 3.14-3 with Table 4.4.6 of the Covell Village Draft EIR (2004). The traffic scope for the Cannery project was developed based on the project’s
2.0 Comments on Draft EIR and Responses

characteristics, existing roadway conditions and traffic volumes, the City’s current traffic demand model, and consultation with City staff. No changes to the Draft EIR are required.

Response 42-18: The commenter states that the traffic analysis does not address impacts at the Covell Boulevard off-and on-ramps with SR 113. The commenter is correct. The commenter is referred to Response H-36, which explains the CEQA streamlining benefits of SB 375. SR 113 and the ramps on and off of this roadway are part of the State Highway System, and as such, are not addressed in this EIR. No changes are required.

Response 42-19: The commenter asks if Caltrans standards were applied to the analysis of Caltrans facilities. The commenter is referred to Response 42-18 and Comment Letter A.

Response 42-20: The commenter asks for a description of consultations with Caltrans in compliance with Public Resources Code section 20192.4, a reference that appears to be in error. It is possible that the commenter is referring to Public Resources Code section 21092.4. Public Resources Code section 21092.4 requires the lead agency for a project which would have statewide, regional, or areawide significance (such as the Cannery) to consult with the regional transportation planning agency and public agencies that have transportation facilities which could be affected. This consultation is to be performed in the same manner as consultation with responsible agencies generally. The consultation requirements set forth by CEQA were satisfied by the City with respect to the Cannery project. Caltrans was provided with a copy of the Notice of Preparation, and submitted a written letter to the City in response. See Appendix A of the Draft EIR. See Public Resources Code §21080.4(a); CEQA Guidelines §15096(b)(2). Caltrans provided written comments on the Draft EIR during the public comment period. See Comment Letter A and Responses thereto. See Public Resources Code §21153(c) and CEQA Guidelines §15086(c).

Response 42-21: The commenter asks how the traffic thresholds of significance were established. These thresholds are established by policies in the City of Davis General Plan. See Policy MOB 1.1 and its Standard c, establishing Level of Service standards. The five-second delay/1 percent threshold is standard practice for traffic assessments under CEQA. This threshold was also utilized in the Covell Village Draft EIR. See pp. 4.4-20 through 4.4-21 of that document.

Response 42-22: The commenter notes that impacts to Intersection #20 can be reduced to a less than significant level through implementation of some of the measures identified in the Draft EIR. This comment is correct and has been noted. Reliance upon City adoption of a corridor plan to accept a LOS F condition (See General Plan MOB Policy 1.1 part c) is one of five proposed mitigation strategies identified in the Draft EIR. The Draft EIR recognizes that if this “mitigation” is utilized (MM 3.14-1F), impacts would remain significant and unavoidable in a real sense because no physical improvements would be undertaken. The Davis City Council shall select the preferred mitigation approach, which shall determine whether or not the impact is reduced to a less than significant
2.0 Comments on Draft EIR and Responses

level. The City may determine that a potential mitigation measure is infeasible due to policy inconsistency, such as previous determinations that roads in Davis should not be widened to six lanes. No changes to the Draft EIR are required.

Response 42-23: The commenter requests that the EIR identify the project’s fair-share contribution to cumulative intersection improvements, and asks whether the proposed improvements would be fully funded. The cumulative intersection improvements identified in the Draft EIR are included in the City’s Capital Improvement Program (CIP). Most of these improvements would not be constructed for many years, even decades. As such, the final funding status of these improvements is not known at this time. At the same time, it is not known which other future projects will participate in the CIP, or the timing of such participation. For this reason, CIPs are updated on an ongoing basis to reflect the state of information available at the time. CEQA does not require the Draft EIR to assign an exact dollar amount for fair share contributions, or to speculate on what a fair share contribution would be for improvements that may not be constructed for years or decades, and that are not necessary in order to mitigate for project-specific impacts. However, given that these improvements are included in the City’s CIP, full funding is considered likely, and the project’s contribution of fair-share payments, as calculated by the City of Davis, constitutes adequate mitigation. No changes to the Draft EIR are required.

Response 42-24: This comment is related to the proposed EVA. The commenter is referred to Master Response 1. Emergency services providers, including the Davis Police and Fire Departments, were consulted during development of the EVA plan, and have indicated satisfaction with the EVA proposal discussed in Master Response 1. No further response is required.

Response 42-25: The commenter requests information related to the import of fill material during construction. This information is contained in the Draft EIR. Section 3.3 of the Draft EIR contains a detailed description of construction phasing and activities. The Draft EIR indicates that up to 110,000 cubic yards of fill material would be imported to the site over a period of 30 days. A hauling truck is assumed to contain 20 cubic yards of material, and this translates to approximately 180 round trips (360 total trips) by haul trucks per day for the 30-day period. It can be assumed that haul trips would be evenly dispersed throughout the work day, and thus not concentrated during peak AM or PM periods. Moreover, it is likely that haul trips would utilize convenient routes in and out of Davis rather than directly through the City. This level of truck hauling trips per day would not have a significant impact on traffic and circulation, as it represents far fewer trips per day (and during peak hour periods) than is the case for the project under operational conditions (12,040 trips per day). The importation of fill material would occur early in the construction phase for project development, and would not overlap with operational traffic. These identified haul trips were included in the Urbemis model prepared for the project, and thus were analyzed in the Draft EIR. The commenter is referred to Response H-44. The exact location of where the fill will
2.0 Comments on Draft EIR and Responses

come from is not known at this time, it is expected that it would be from one or more commercially available sources, without disruption to environmental resources or habitat. No changes to the Draft EIR are required.

Response 42-26: The commenter suggests that the City require the project applicant to either provide land for a fire station or contribute funding towards the construction of a new fire station. Mitigation Measure 3.13-1 requires the project applicant to pay all applicable development fees related to fire protection services, which would represent the project’s fair share contribution towards the funding of a fourth fire station in Davis. It is further noted that on January 29, 2013, the Davis City Council approved a 1-year implementation of the National Fire Protection Association (NFPA) 1710 standard which includes: call processing time of 60 seconds; a personnel turnout time of 60 seconds for medical, and one minute twenty seconds for fires; and a travel time of 4 minutes (240 seconds). This implements a 6 minute 20 second response time standard for fire calls. As described under Impact 3.13-2, the project site is estimated to be within a 6-7 minute response time from Station 31. The commenter’s suggestion that the project site include land dedicated for a fourth fire station in Davis is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 42-27: The commenter describes the developer requirements for provision of a fire station and funding, required in the development agreement for the Covell Village project, and requests that the City require an equal exaction from the Cannery project. The comment expresses a project design preference, but does not pertain to the adequacy of the Draft EIR as an informational document. The requirements imposed by the City of Davis on the Covell Village project are a matter of public record; the Draft EIR is not inadequate for failing to include this information in the analysis of the impacts of the Cannery, which is a different project proposed under different circumstances. This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 42-28: The commenter states that the EIR’s reliance on the significant and unavoidable conclusion in the General Plan EIR related to fire response times is not appropriate for this EIR, and that the City should require the applicant to provide a fire station on the project site. This EIR references the findings made in the General Plan EIR related to fire responses times. However, the Draft EIR includes its own analysis of the project’s impacts with respect to response times, and draws a separate and independent conclusion that the project would result in significant and unavoidable impacts with respect to fire response times. The project applicant is required to pay fair-share fees towards the construction of new fire facilities, as required by the City Development Impact Fee Program. This issue has been adequately addressed in the Draft EIR.

Response 42-29: This comment is related to the proposed EVA. The commenter is referred to Master Response 1.
2.0 Comments on Draft EIR and Responses

**Response 42-30:** This comment is related to the proposed EVA. The commenter is referred to Master Response 1.

**Response 42-31:** The commenter provides a suggestion as to the preferred alternative for the project’s connection to the existing City wastewater conveyance system. The comment expresses a project design preference, but does not pertain to the adequacy of the Draft EIR as an informational document. The City has since determined that there may be capacity within the existing line. If capacity is not available, the City will evaluate the option of upsizing the existing sewer pipeline. The upsized pipe would have to meet upstream and downstream elevation constraints and would have to be able to demonstrate meeting existing plus proposed capacity. The City will continue to monitor the capacity of the sewer conveyance system as additional projects in the City are developed. In the future, the City may pursue additional sewer conveyance capacity improvements in order to ensure that existing and future development is adequately served. This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

**Response 42-32:** The commenter states that the Draft EIR should address whether adequate right-of-way exists to construct the potential off-site bicycle path connections. The commenter is referred to Response H-43. The commenter also provides suggestions regarding additional bicycle path connections in the project vicinity. This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project. It is noted that the project is required to pay City development impact fees, some of which will provide funding for future offsite grade-separated crossings identified in the CIP. The commenter correctly states the optimum design standard for a two-way Class I bicycle trail, as described by the Caltrans *Highway Design Manual*. See Topic 1003, Bikeway Design Criteria, at §1003.1. The optimal width for a two-way Class I trail is 14 feet, including a 10-foot wide pathway and 2 feet of clearance on each side. However, the Highway Design Manual allows for a minimum of 10 feet of trail width between obstructions, such as fences or walls paralleling the path. The Class I trail shown on Figure 2-11a meets minimum design requirements and is feasible.

**Response 42-33:** The commenter requests a citation regarding the City’s consultation with SACOG during development of the Draft EIR to determine the project’s consistency with the Sustainable Communities Strategy. The City and the EIR consultant team met with SACOG staff in-person at SACOG’s offices on May 15, 2012 and July 12, 2012 to discuss the Cannery’s consistency with the SCS. SACOG issued a letter to the City of Davis confirming this finding (Letter from Mike Mckeever, SACOG Executive Director, to Davis Mayor, Joe Crovoza, June 6, 2013). This letter is available for public review at the City of Davis upon request.

**Response 42-34:** The commenter provides suggested acreage corrections related to the Covell site. The reference to the Covell Village site being 422 acres was taken directly from the 2004...
2.0 Comments on Draft EIR and Responses

Draft Program Level EIR for the Covell Village Project (page 3-1). The commenter does not cite a source for their suggested change in acreage to the Covell site. No changes to the Draft EIR are required, though this comment is noted.

Response 42-35: The commenter states that the Covell site has a Specific Plan designation by the County General Plan. This comment is noted. Page 3-14-11 of the Draft EIR, which is referenced by the commenter, states that the County has zoned the Covell site Light Industrial. There is no reference to the County General Plan land use designation for the Covell site on Page 3.14-11 of the Draft EIR. No changes to the Draft EIR are required.

Response 42-36: The commenter requests an explanation of the Cannery’s public services funding requirement compared to the requirements imposed on the Covell Village project. The Draft EIR is not required by CEQA to discuss or describe the differences between the exaction, dedication and mitigation requirements of the Cannery versus Covell Village, particularly when the Covell Village project’s exaction and dedication obligations were established through a negotiated development agreement with the City. This comment does not address the adequacy of the Draft EIR. No additional response is required.

Response 42-37: The commenter states that the Draft EIR should provide more details about the feasibility of an urban farm. The urban farm is described on Page 2.0-14 of the Draft EIR. Potential environmental impacts associated with operation of the urban farm are described under Impact 3.2-2. This issue has been adequately addressed in the Draft EIR. The comment does not provide any evidence calling into question the feasibility of this element of the project, which in any event is not an environmental impact issue subject to the purview of CEQA.

Response 42-38: The commenter states that the Draft EIR should specify the timing of implementation for various mitigation measures, including Mitigation Measures 3.14-1A through 1F. This comment is noted. The Davis City Council will select the preferred mitigation measure from 3.14-1A through 1F. The preferred mitigation options must be selected prior to the issuance of the first building permit for the proposed project. The Mitigation Monitoring and Reporting Program to be adopted by the City Council shall specify the timing of implementation of the preferred mitigation measure.

Response 42-39: The commenter suggests that the Draft EIR should evaluate alternatives for separated grade crossings, including one in the southwest corner of the site. This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their consideration during review of the proposed project.

Response 42-40: The commenter states that the Draft EIR does not discuss the effects of the existing abandoned 24” wastewater pipeline that travels under the Covell site. There are no adverse environmental effects associated with this existing abandoned wastewater pipeline. This pipe represents an existing baseline environmental condition, and does
2.0 Comments on Draft EIR and Responses

not pose any health or environmental risks to the proposed project or the surrounding areas, and the comment does not provide any evidence to the contrary. The project does not propose to remove this line. No changes to the Draft EIR are required.

**Response 42-41:** The commenter states that references cited in the Draft EIR were not made available for public review during the public comment period for the Draft EIR. The commenter states that the City has not complied with Public Resources Code Section 20192, subdivision (b)(1). It is assumed that the commenter is actually referring to Public Resources Code Section 21092. The City of Davis took extraordinary steps to ensure that all information referenced in the Draft EIR was made available for public review. The majority of the technical information contained in the Draft EIR was derived from the project-specific technical reports that were prepared. All of these technical reports were included as appendices to the Draft EIR, and were placed on the City's website. These appendices were also available for review electronically at the City of Davis offices. Additionally, the City compiled an extensive and comprehensive list of additional, supplemental reference materials that were placed in a publicly available “Dropbox” folder. The commenter has acknowledged accessing and reviewing this references folder. The commenter lists several references that the commenter claims were not made available during the public review period. The vast majority of these references are readily available online, many of which are available on the City's website, including, but not limited to: the City of Davis Capital Improvement Program, the City of Davis Housing Element, the City of Davis Zoning Code, and the Draft EIR for the Covell Village Project. The commenter also references US Census data, which is readily available online. The commenter references the Yolo County General Plan, which is not only available online, but a link to this document was referenced in a previous comment provided by the commenter, indicating that the commenter clearly had access to this document, while implying that it was not made available. Other reference cited by the commenter include proprietary or copyrighted information that is not publicly available without purchase, such as the ITE Trip Generation Handbook, which is the industry standard for use in traffic analyses. The commenter has not provided any supporting evidence or information supporting an assertion that the commenter’s ability to comprehensively review and comment on the content and analysis in the Draft EIR was hindered in any way as a result of the unavailability of reference information. The City of Davis has acted in a transparent manner throughout the entire EIR preparation process, and has complied with all information requests received during the Draft EIR public review period. The City has acted in good faith to make all project reference material available. No further response is required.

**Response 42-42:** The commenter provides a narrative and discussion advocating for joint planning efforts between the Cannery site and the Covell site. This comment is noted, and has been forwarded to the Davis Planning Commission and City Council for their
2.0 Comments on Draft EIR and Responses

consideration during review of the project. See Responses to Comments 42-1 through 42-3 regarding Sphere of Influence issues. The CEQA review process for the Davis Woodland Water Supply Project has already been completed, as the Final EIR for that project was certified in 2007. It is unlikely that any further planning process as requested by the commenter would alter any aspect of that project in a way that further benefits either the Cannery site or Covell Village. As proposed, the Davis Woodland Water Supply Project would provide municipal water supplies to the City of Davis; the ability of the City to serve the domestic water needs of either project is not materially affected by the location of water delivery trunk lines, though a trunk line is proposed along the frontage of both sites along Covell Boulevard. See Response to Comment 24-2 regarding PG&E gas line improvements.

The East Covell Boulevard Complete Street Plan is a separate and distinct planning activity from the Cannery project, though the benefits of coordinating both efforts are recognized. It is not within the purview of the Draft EIR for the Cannery to advocate for or against coordination of the East Covell Boulevard Complete Street Plan with future development plans that the owners of the Covell Village property may have. This comment does not address the adequacy of the Draft EIR as an informational document, and no additional response is required.

The Draft EIR indicates that approximately 110,000 cubic yards of fill soil will be required. The project is not relying upon the Covell Village site as the source of this material.

The commenter’s preference for additional studies addressing land supply in the City of Davis for light industrial and business park uses is noted; however, this comment does not address the adequacy of the Draft EIR’s analysis of the project as proposed. The policy implications of the General Plan Amendments identified as necessary for the project are described in the Draft EIR, but remain a matter for the City Council to consider on their merits.

The project site is within the incorporated area of the City of Davis, and thus is not required to be consistent with the County of Yolo General Plan. See CEQA Guidelines §15125(d) (“The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.”)[emphasis added].
This section includes minor edits and changes to the Draft EIR. These modifications resulted from responses to comments received during the public review period for the Draft EIR, as well as City staff initiated edits to clarify language and implementation of mitigation measures.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.

In coordination with staff from the City of Davis, the project applicant team continues to make refinements and minor revisions to the site plan. None of these minor modifications to the proposed project would result in new significant impacts or mitigation measures, or increase the severity of an impact. The minor changes made to the site since the Draft EIR was released for public review are summarized below, under Section 3.1, Revisions to the Draft EIR. These minor changes to the site plan are shown in a bulleted summary format.

Other minor changes to various sections of the Draft EIR are also shown below. These changes are provided in revision marks with underline for new text and strike out for deleted text.

### 3.1 REVISIONS TO THE DRAFT EIR

#### 1.0 INTRODUCTION

No changes were made to Section 1.0 of the DEIR.

#### 2.0 PROJECT DESCRIPTION

The following updates have been made to the proposed project since the Draft EIR was released for public review:

- Since the release of the Draft EIR, the acreages of the proposed North Park and the South Park have been slightly revised. The North Park has been changed from 5.25 net acres to 3.88 net acres. The South Park has increased from 0.55 net acres to 1.89 net acres. The total net acreage of the onsite parks has changed from 5.8 net acres to 5.77 net acres. Expansion of the Neighborhood Park (North Park) southward resulted in the reduction of the number of Cannery Village homes from 20 units to 16 units. As such, the total number of residential dwelling units for the project has been reduced from 551 to 547. The changes to the Cannery Village Homes would also reduce the total number of potential accessory dwelling units by four units, for a maximum potential of 60 accessory dwelling units within the Cannery Project.

- The Public Draft EIR discussed the possible provision of non-potable irrigation water to be from either the rehabilitation of one of the existing agricultural wells onsite or installation of a new agricultural well. The applicant has expressed a desire to utilize one of the existing agricultural wells on the site to provide a source of non-potable water that would be used for landscape irrigation of public spaces (e.g., public parks and greenbelts) and the urban farm. However, the use of one of the existing agricultural wells has not been confirmed or finalized.


3.0 **Errata**

The Draft EIR applied a conservative approach to the water supply analysis that assumed that all water used on the project site, including landscaping irrigation water, would come from the City’s municipal water supply, and not from an onsite agricultural well. If it is determined that the future use of an onsite agricultural well for non-potable water is feasible, then the actual amount of water demand from the City’s municipal supply would be reduced.

- Since the release of the Draft EIR, the project applicant has continued coordination with the City’s Fire and Police departments on alternative solutions to the EVA crossing proposed in the Draft EIR. Please see Master Response 1 for a description of the newly proposed Southeast EVA Option that would satisfy the provision of an additional emergency/evacuation access point into the project site (in addition to the two primary vehicular accesses on E. Covell Boulevard). The EVA is shown on Figure 2.0-1. As a result of this change, the EVA that would have connected the project site to F Street, near the northwest corner of the Cannery Site has been eliminated and is no longer a component of the proposed project.

- The Draft EIR analyzed three off-site pedestrian and bicycle path connections, including the “proposed alignment” under the East Covell Boulevard bridge and east of the UPRR tracks to connect with the H Street bicycle tunnel; “Option 1” under the East Covell Boulevard bridge and east of the UPRR tracks turning easterly and continuing along the southern face of the overcrossing to tie into the existing bike trail south of East Covell Boulevard; and “Option 2” across the F Street Channel approximately 1,100 feet north of East Covell Boulevard to connect with the F Street multi-use trail. The project description has been revised such that the preferred alignment for the off-site bicycle/pedestrian path connection is Option 1 described above (i.e., connection south of the project site to the south side of East Covell Boulevard).

- Since the release of the Draft EIR, the City has proposed changes to its affordable housing inclusionary requirements. At its July 9, 2013 meeting, the City Council approved revisions to the City’s Inclusionary Affordable Housing Ordinance and Housing Element Policies. The project applicant has revised its affordable housing plan accordingly. Consistent with the revised requirements, the inclusionary affordable housing obligation for the 547-unit project would be to provide 58 affordable units, which would be satisfied through a combination of permanently affordable apartments and construction of on-site accessory dwelling units. The application includes a 1.5 (net) acre site to accommodate 40-60 permanently affordable apartments, and 40 accessory dwelling units, which would receive a 50% credit and count as 20 affordable units.

- Following the release of the Draft EIR, the applicant continued meeting with City representatives and community members regarding the sustainability plan for the project. As a result, the project has been revised to include an additional commitment related to use of renewable energy. In addition to the commitment to reduce energy use by designing all homes to be a minimum of 40% better than the 2008 Title 24 California energy building code, the revised project now includes a commitment to install a 1.5 kW photovoltaic system on all detached single-family homes. The solar production from the project would include 442.5kW
for the residences (i.e., 1.5 kW on 295 detached single family homes), and 45kW for the public site lighting, for a total production of 487.5 kW project-wide. The contribution of GHG reduction as a result of the additional solar commitment is provided in Table 3.7-6.

The following changes are made to page 2.0-4 of the Draft EIR.

### OTHER AGENCY PERMITS AND APPROVALS

The following agencies may be required to issue permits or approve certain aspects of the proposed project:

- **California Public Utilities Commission (CPUC)** – Approval of At-Grade Railroad Crossing.¹

- **California Department of Fish and Wildlife** - Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code; consultation regarding pre-construction surveys for special-status species; issuance of incidental take permits pursuant to Section 2081(b) of the California Fish and Game Code; verification of measures to reduce impacts to special-status species; verification of compliance with the California Endangered Species Act (CESA); and approval of any riparian habitat restoration plans;²

- **Central Valley Regional Water Quality Control Board (CVRWQCB)** - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities, Section 401 water quality certification, verification of National Pollutant Discharge Elimination System (NPDES) requirements, and permitting of fill of isolated wetlands under the State’s Porter-Cologne Act;

- **Yolo-Solano Air Quality Management District** - Approval of construction-related air quality permits;

- **Federal Emergency Management Agency (FEMA)** - Conditional Letter of Map Revision (CLOMR and LOMR-F (Letter of Map Revision based on fill));

- **U.S. Army Corps of Engineers (USACE)** – Issuance of 404 permit under the Clean Water Act for offsite infrastructure improvements within the F Street Drainage Channel and verification of the wetland delineation; and

- **U.S. Fish and Wildlife Service (USFWS)**- Possible Section 7 Consultation under the Endangered Species Act to determine impacts to special-status species within the F Street Drainage Channel. The project applicant has received correspondence from the USFWS

¹ This approval is no longer required in light of the changes to the EVA, as described in greater detail under Master Response 1 in Section 2.0 of this Final EIR.

² The project applicant has received official notification from the CDFW that a Streambed Alteration Agreement is not required for the project, and CDFW has confirmed that they are not taking jurisdiction for any project impacts to the F Street Channel.
regarding their determination that the project is “not likely to affect” the giant garter snake.

The following changes are made to page 2.0-16 of the Draft EIR.

**Off-Site Roadway Improvements**

The Project proposes two off-site roadway improvements:

- **East Covell Boulevard Improvements.** The Project includes reconstruction of the existing East Covell Boulevard/J Street (Entry Road B) intersection to improve turning movements, reconfigure vehicle lanes, upgrade signalization and make safety improvements for all modes.

- **Emergency Vehicle Access (EVA) Point.** An at-grade emergency vehicle access (EVA) is proposed across the Union Pacific railroad tracks and F Street drainage channel, in the vicinity of the Faro Avenue/F Street intersection (subject to approval by the railroad). The at-grade crossing would be designed for emergency use only and, hence, would not be available for bicycle, pedestrian or non-emergency vehicle use. The project proposes to construct an emergency vehicle access (EVA) at the southeast corner of the project site. The Southeast EVA proposes an EVA as described below.

  **EVA.** The EVA would provide access for emergency vehicles off of E. Covell Boulevard by utilizing the existing driveway on the east side of the proposed urban farm. The EVA would include a gate setback from E. Covell Boulevard to allow for emergency vehicles to pull completely out of the travel-way on E. Covell Boulevard. This access road would be limited to right-in/right-out access from E. Covell Boulevard. The applicant shall work with City Fire and Public Works in the design of the intersection at the EVA driveway and E. Covell Boulevard to further limit access to right-in/right-out movements, and to accommodate turning movements necessary for emergency fire vehicles. The EVA is shown on Figure 2.0-1 of the Final EIR.

  For emergency responders, the gate would be accessed by cutting a padlock. The EVA would be constructed as part of first phase of the proposed project and would provide adequate emergency access for the site.
The following changes are made to page 2.0-17 of the Draft EIR.

**Off-Site Pedestrian and Bicycle Path Connection**

The Project proposes an off-site bicycle/pedestrian path connection to existing bicycle facilities south of the Project site. The proposed alignment is through the enhanced undercrossing east of the railroad tracks, beneath the East Covell Bridge and the F Street Channel. Off-site, south of the Project, trail improvements are proposed within and/or adjacent to the City’s well site and two apartment complexes. South of East Covell Boulevard, the alignment would continue straight south to and link to the existing H Street bike tunnel. The proposed alignment is shown on Figures 2-11a through 2-11c. In addition to the proposed alignment, two alternatives are proposed to achieve the connection:

- **Alternative Preferred Alignment - Option 1.** This alternative would begin at Loop C and extend west of the City’s well site and cross under the eastern end of the East Covell Boulevard grade separation over the UPRR tracks. South of East Covell Boulevard, it would turn easterly and continue along the southern face of the overcrossing until it reaches the elevation of East Covell Boulevard where it would tie into the existing bike trail south of East Covell Boulevard (Figure 2-12).

- **Alternative Alignment – Option 2.** This alternative would begin at the bike/pedestrian trail paralleling Loop C (west), approximately 1,100 feet north of East Covell Boulevard. The trail would extend southerly to a landing area where the bike trail would turn westerly. The trail would cross over the on-site bio-swale, the UPRR tracks, and the F Street Channel to a second landing. The trail would turn south and westerly to tie into the existing bike trail (Figure 2-13).

The following changes are made to page 2.0-20 of the Draft EIR.

**Off-Site Improvements**

As described above, the Project includes the following off-site improvements:

- **East Covell Boulevard Improvements.** Reconstruction of the existing East Covell Boulevard/J Street (Entry Road B) intersection to improve turning movements, reconfigure vehicle lanes, upgrade signalization and make safety improvements.

- **Emergency Vehicle Access (EVA).** An at-grade EVA is proposed across the Union Pacific railroad tracks and F Street drainage channel, opposite the Faro Avenue/F Street intersection.

- **Bicycle/Pedestrian Path Connection.** The proposed alignment consists of a bicycle/pedestrian path connection to link the Project to existing bicycle facilities south of the Project site to the H Street bike tunnel, under the East Covell Boulevard bridge and east of the UPRR tracks turning easterly and continuing along the southern face of the
overcrossing to tie into the existing bike trail south of East Covell Boulevard. The Project considers a preferred alignment and two alternative alignments.

3.1 AESTHETICS

No changes were made to Section 3.1 of the Draft EIR.

3.2 AGRICULTURAL AND FOREST RESOURCES

The following changes were made to Mitigation Measure 3.2-1.

Mitigation Measure 3.2-1: Agricultural activities on the urban farm shall comply with the following measures:

1. Organic farming practices and the use of “organic” pesticides and fertilizers are encouraged. Pesticide application shall be in accordance with all applicable regulations. Pesticides shall be applied by hand pump equipment, small tractor-pulled sprayers, or by hand-held applicators (backpack sprayers). Pesticides shall not be applied by aerial spraying, or when air movement could cause offsite drift.

2. Soil tilling, earth moving, and fertilizer and pesticide application shall not be permitted when wind conditions would result in offsite drift of fugitive dust, fertilizer or pesticides.

3. Application of organic fertilizer (manure or compost), if used, shall be performed in a manner that minimizes significant odor impacts on nearby residential parcels.

4. The use of mechanical equipment for agricultural purposes shall be limited to between the hours of 6:00 a.m. to 10:00 p.m.

5. Agricultural areas shall be maintained to provide drainage and minimize the collection of standing surface water.

6. Commercial composting of materials (composting for sale of compost material for use off-site) shall will be prohibited.

3.3 AIR QUALITY

The following changes were made to Mitigation Measure 3.3-1.

Mitigation Measure 3.3-1: Prior to the issuance of each building permit, In conjunction with the project’s Sustainability Plan, the project applicant shall incorporate green building designs into the residential and commercial components of the project to help offset area source emissions. Such green building designs will reduce area source emissions by using energy more efficiently and reducing the use of non-renewable energy resources. The Yolo-Solano AQMD suggests the following as potential green building measures:

- Duct system within the building thermal envelope, or insulated to R-8
- Passive cooling strategies including passive or fan-aided cooling planned for or designed into structure, a cupola or roof opening for hot air venting or underground cooling tubes
• Outdoor lighting designed for high efficiency, solar-powered or controlled by motion detectors
• Natural lighting in buildings
• Building siting and orientation to reduce energy use
• Summer shading and wind protection measures to increase energy efficiency
• Use of concrete or other non-polluting materials for parking lots instead of asphalt
• Use of landscaping to shade buildings and parking lots
• Use of photovoltaic and/or wind generators
• Installation of energy efficient appliances and lighting
• Installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals

The Sustainability Plan shall be reviewed and approved by the City of Davis Community Development and Sustainability Department prior to issuance of the first residential building permit.

The following change is made to Mitigation Measure 3.3-2.

**Mitigation Measure 3.3-2:** Prior to the approval of the Tentative Final Map, or as a condition of Tentative Final Map approval, the project applicant shall incorporate design measures that function to reduce vehicle emissions by increasing the use of alternative modes of transportation. The Yolo-Solano AQMD suggests the following as potential design measures:

- Street trees
- Direct pedestrian connections
- Zero building setbacks
- Pedestrian signalization and signage
- Street furniture and artwork
- Street lighting
- Availability of bicycle parking
- Design safe routes to schools
- Ensure that infrastructure is provided to accommodate transit. This may include:
  - Transit route signs and displays
  - Transit stop amenities
  - Bus turnouts and bulbs
- Design building elevations maximizing visual interest for pedestrians.

The following mitigation measure is added under Impact 3.3-1 in the Draft EIR.

**Mitigation Measure 3.3-4:** Wood-burning fireplaces shall be prohibited within the proposed project site.

The following changes were made to Page 3.3-21 of the DEIR.

**Mitigation Measures**
Mitigation Measure 3.3-3: The project applicant shall implement the following dust control measures during all construction activities. These measures shall be a condition of the grading permit.

- Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Haul trucks shall maintain at least 2 feet of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.
- Sweep streets if visible soil material is carried out from the construction site.
- Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.
- All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer onsite a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecasted to be greater than 15 mph.

The following changes were made to page 3.3-27 of the DEIR.

Impact 3.3-6: Project implementation may result in cumulative air quality impacts (Cumulatively Considerable)

A cumulative impact is defined as two or more individual effects which, when considered together, are either significant or “cumulatively considerable,” meaning they add considerably to a significant environmental impact. A cumulative impact is considered over time and in conjunction with other past, present, and reasonably foreseeable future projects whose impacts might compound those of the project being assessed. A proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative impact.

Cumulative Operational Emissions: The region is designated nonattainment for Ozone and PM_{10}. Operational activities would increase emissions of ROG and NOx (Ozone precursors), and PM_{10}. The emissions model showed that ROG, NOx, and PM_{10} emissions are projected to exceed the YSAQMD threshold of significance. Mitigation measures are available to reduce project-related operational emissions (area source and mobile source) by 2.2% for ROG, 2.8% for NOx, and 2% for PM_{10}. However, these percent reductions would not bring the operational source emissions below the YSAQMD thresholds of significance. Individually, the proposed project was determined to have a significant and unavoidable impact relative to operational emissions. As such, the proposed project would have a cumulatively considerable impact on operational emissions. At the same time, the project has been determined to be consistent with the Sustainable Communities Strategy (SCS) adopted by SACOG, as a plan for reducing greenhouse gas and air emissions associated with growth and related activities.
3.4 BIOLOGICAL RESOURCES

The following changes were made to Section 3.4 of the DEIR.

Mitigation Measure 3.4-1 includes the following revisions.

Mitigation Measure 3.4-1: The project proponent shall implement the following measures to protect western pond turtle:

- A qualified biologist shall conduct a pre-construction survey no more than 24 hours before the start of construction activities within and immediately adjacent to F Street Channel. If a western pond turtle is found within the construction area, the qualified biologist shall halt construction and immediately report the occurrence to the City. The qualified biologist shall relocate the western pond turtle to the nearest safe location as determined by the California Department of Fish and Wildlife, City staff, and a qualified biologist.

- Construction personnel performing activities within and immediately adjacent to the F Street Channel shall receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection.

- Construction personnel shall observe a 15 mph speed limit on unpaved roads within and immediately adjacent to the F Street Channel.

- Before operating equipment within and immediately adjacent to the F Street Channel, workers shall check for western pond turtle underneath equipment that has remained in one location for 15 minutes. If a western pond turtle is found, the worker shall halt construction activities, and immediately report the occurrence to the qualified biologist and City staff. The qualified biologist shall relocate the western pond turtle to the nearest safe location as determined by the California Department of Fish and Wildlife, the City staff and a qualified biologist.

The following text revisions have been made to Impact 3.4-4 and Mitigation Measures 3.4-3 to 3.4-5 to correct the previous impact discussions and related mitigation measures regarding Swainson’s hawk foraging habitat and burrowing owl mitigation.

Impact 3.4-4: Direct or Indirect Effects on Special-Status Bird Species (Less than Significant with Mitigation)

Special-status birds that occur within ten miles of the project site and offsite improvements site include: tricolored blackbird, great egret, great blue heron, burrowing owl, Swainson’s hawk, western snowy plover, mountain plover, white-tailed kite, merlin, and white-faced ibis. These species are discussed below:

Tricolored Blackbird: Tricolored blackbirds (Agelaius tricolor) are listed by CDFW as a species of special concern due to declining populations in the region. They are colonial nesters that favor
dense stands of cattails and/or bulrush, but they also commonly utilize blackberry thickets associated with drainages, ditches, and canals. The closest recorded nesting colony is approximately 2.5 miles to the northeast.

The project site and offsite improvements site contains foraging habitat. This species was not encountered during the field survey.

**Great Egret:** The great egret (*Ardea alba*) is listed by CDFW as a special animal. This bird usually forages alone in shallow open water and wetlands for fish, amphibians, and aquatic invertebrates. The species has recovered from historic persecution by plume hunters, but destruction of wetlands, especially in the West where colonies are few and widely scattered, poses a current threat. Great egrets prefer breeding habitat in or near open waters and wetlands.

The necessary habitat is not present within the project site. There is limited habitat on the offsite improvement site. This species was not encountered during the field survey.

**Great Blue Heron:** The great blue heron (*Ardea herodias*) is listed by CDFW as a special animal. This wading bird forages in wetlands and shallow open waters for fish, aquatic invertebrates, small mammals, and amphibians. It usually nests in rookeries that are situated in wetlands or near open waters.

The necessary habitat is not present within the project site. There is limited habitat on the offsite improvement site. This species was not encountered during the field survey.

**Burrowing Owl:** Burrowing owl (*Athene cunicularia*) is a ground nesting raptor species that is afforded protection by CDFW as a species of special concern due to declining populations in the Great Central Valley of California. They typically inhabit open grasslands and nest in abandoned ground squirrel burrows, cavities associated with raised mounds, levees, or soft berm features. The nearest CNDDB occurrence is located approximately 0.7 mile west of the project site and offsite improvements site.

The project site contains foraging and nesting habitat. The offsite improvements site does not contain foraging or nesting habitat.

**Swainson’s Hawk:** Swainson’s hawk (*Buteo swainsoni*) is a raptor species currently listed as threatened in California by the CDFW. Breeding pairs typically nest in tall cottonwoods, valley oaks, or willows associated with riparian corridors, grassland, irrigated pasture, and cropland with a high density of rodents. The Central Valley populations breed and nest in the late spring through early summer before migrating to Central and South America for the winter. Numerous occurrences of Swainson’s hawk nesting sites are located within ten miles of the project site and offsite improvements site including one less than 0.2 mile to the west.

The northern portion of the project site contains foraging habitat and The offsite improvements site contains foraging and nesting habitat.

**Western Snowy Plover:** The western snowy plover (*Charadrius alexandrinus nivosus*) is a federally threatened bird listed by CDFW as a species of special concern. This ground nester is associated
with beaches, salt pond levees and shores of large alkali lakes with friable sandy or gravelly soils. The closest CNDDB record is a 1963 occurrence located approximately 8.5 miles north of the project site at the Davis sewage treatment ponds. This occurrence is classified as “presumed extant.”

The necessary habitat is not present within the project site or offsite improvements site, nor were they not encountered during the field survey.

**Mountain Plover:** The mountain plover (*Charadrius montanus*) is a federally proposed threatened bird listed by CDFW as a species of special concern. This ground nester is considered a shorebird, but it prefers to live in drier areas away from water. It breeds in the Great Basin and migrates to California in the winter where its life cycle is poorly understood. It forages in California grasslands, pastures, and farmlands for insects which make up the majority of its diet. The closest CNDDB record is approximately 8.5 miles north of the project site and is based on surveys performed in 1971. Subsequent 1991 surveys did not observe any specimens, and the CNDDB classifies this occurrence as “possibly extirpated.”

Suitable foraging habitat is present for this species within the project site. The offsite improvements site does not contain foraging or nesting habitat.

**White-Tailed Kite:** White-tailed kite (*Elanus leucurus*) is a CDFW fully protected species. This non-migrating bird typically attains a wingspan of approximately 40 inches and feeds primarily on insects, small mammals, reptiles, and amphibians, which it forages from open grasslands. It builds a platform-like nest of sticks in trees or shrubs and lays 3 to 5 eggs, but may brood a second clutch if prey is abundant. The kite’s distinct style of hunting includes hovering before diving onto its target.

Foraging and nesting habitats are present within the project site and offsite improvements site.

**Merlin:** The Merlin (*Falco columbarius*) is a CDFW species of special concern that has never been observed nesting in California. Though it is a transient throughout most of the state, wintering populations are known to occur in the Central Valley and along the coast.

Foraging habitat is present within the project site and offsite improvements site.

**White-Faced Ibis:** White-faced ibis (*Plegadis chihi*) is listed by CDFW as a special animal. If favors marsh habitats where it forages for a variety of invertebrates. It is a colonial nester and prefers thick marshes or low-growing trees for its nest site.

The necessary habitat is not present within the project site. There is limited habitat on the offsite improvement site. This species was not encountered during the field survey.

**Surveys:** There are ten documented special status birds located within a 10-mile radius of the project site and offsite improvements site. The project site and offsite improvements side provides habitat (foraging, nesting, or both) to support these species.
A records search was performed to establish the potential for presence of these special status species within a 10-mile radius of the project site. A field survey was performed on May 20, 2011 to establish the presence or absence of nest sites or burrows on the project site and offsite improvements site. This survey found the following:

- Numerous potentially appropriate burrows located throughout the project site, most of which were located at the base of milk thistle copses. All burrows lacked the presence of whitewash (owl excrement), prey pellets, or molted feathers usually associated with burrowing owls. Most of the observed burrows had entrances “sealed off” by spider webs. No burrowing owls or signs of burrowing owls were observed within or near the survey area.
- A mallard nest containing six eggs was located approximately 400 feet north of the former processing plant, which is generally in the middle of the project site. A female mallard was observed on the nest.
- A large nest was located in a pine tree on the northern end of the former processing plant. The nest appeared to be empty, and no raptors or other large bird species were observed within the immediate proximity.

A subsequent field survey was conducted on August 1, 2011. This survey found the following:

- The burrows lacked any sign of burrowing owl activity and entrances were “sealed off” by spider webs. No burrowing owls or signs of burrowing owls were observed within or near the survey area.
- The mallard nest had been abandoned with no sign of adult or young.
- The large nest located in a pine tree on the northern end of the former processing plant remained empty, and no raptors or other large bird species were observed within the immediate proximity.

**Conclusion:** The project site and offsite improvements site is located in an area that is the fringe of urban development and agricultural development. The northern portion of the project site (48.6 acres) provides appropriate ground nesting habitat for a variety of birds, including burrowing owl. The southern half of the project site (former processing plant) does not provide appropriate ground nesting habitat. The offsite improvements site provides appropriate nesting and foraging habitat for a variety of birds, excluding burrowing owl. Field surveys identified burrows on the project site that could be used by the borrowing owls; however, during the May 20, 2011 and August 1, 2011 surveys, there were no burrowing owls observed or evidence of burrowing owls nesting or other activity on the project site. According to the Mitigation Methods section of the March 7, 2012 Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation,” mitigation is required for permanent impacts to nesting, occupied and satellite burrows if burrowing owls were known to occur at the project in recent years. The project would not result in permanent impacts to nesting, occupied or satellite burrows. As such, mitigation for such permanent impacts is not warranted. However, there is a possibility that the unoccupied burrows become occupied in any given year as long as they are undisturbed and a food base remains intact. The proposed project would require permanent disturbance to the burrows. To minimize the impact to burrows that have become active since the surveys,
Implementation of the following mitigation measure would reduce the impact to a less than significant level.

The project site and offsite improvements site contains trees of various sizes, most of which are on the offsite improvements site and the southern half of the project site. These trees provide nesting opportunities for a variety of birds, including: Swainson’s hawk and white-tailed kite, among other protected bird species. The merlin, however, is not known to nest in the region. There is evidence of a large nest in a pine tree located on the project site. During field surveys there was no evidence of nesting; however, the abandoned nest could be reused by raptors or other birds in future breeding cycles. The proposed project would require permanent disturbance to trees, including the abandoned nest. This is a potentially significant impact. Implementation of the following mitigation measure would reduce the impact to a less than significant level.

The offsite improvements site provides some potential nesting habitat for Swainson’s hawk, but lacks foraging habitat. The northern portion of the project site (48.6 acres) provides appropriate foraging habitat for a variety of special status birds, including Swainson’s hawk. Of the northern 48.6 acres of the project site, approximately 8.4 acres will remain in suitable habitat for Swainson’s hawk foraging including the proposed detention basin north (north and northeast agricultural buffer) which will contain annual grassland and provide relatively high and consistent accessibility for the Swainson’s hawk, and the proposed urban farm to the east (east agricultural buffer) which will consist of farmed row crops that will also provide prey accessibility for the Swainson’s hawk and other raptors (Personal Communications, Jim Estep, Estep Environmental Consulting 2013). The southern half of the project site (former processing plant) does not currently provide suitable appropriate foraging habitat for special status birds. The proposed project would require permanent disturbance to the foraging habitat. This would indirectly affect the State listed Swainson’s hawk, among other birds. The portion of the urban farm that extends into the southern half of the project site will also consist of farmed row crops, and may represent an additional approximately 3 acres of suitable Swainson’s hawk foraging habitat.

The project proponent will be required to consult with the Department of Fish and Wildlife to determine if the project would result in incidental take of Swainson’s hawk (thereby requiring CESA take authorization). Additionally, the Yolo County NCCP/HCP Joint Powers Agency (JPA), which includes the City of Davis, requires compensatory mitigation for the loss of Swainson’s hawk foraging habitat at a 1:1 ratio. Because the loss of foraging habitat disturbed exceeds is less than 40 acres, the project proponent would be required to either pay mitigation fees to the Yolo County JPA, who establishes the mitigation fee and utilizes these such funds for the purpose of acquiring for preservation Swainson’s hawk habitat in Yolo County, or provide the compensatory mitigation directly. Implementation of the following mitigation measures would ensure that this impact is reduced to a less than significant level.

**MITIGATION MEASURES**

**Mitigation Measure 3.4-3:** No less than 14 days prior to initiating ground disturbance activities, the project proponent shall complete an initial take avoidance survey using the recommended methods described in the Detection Surveys section of the March 7, 2012
Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation.” Implementation of avoidance and minimization measures (as presented in the March 7, 2012 Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation) would be triggered if the initial take avoidance survey results in positive owl presence on the project site where project activities will occur. If needed, the development of avoidance and minimization approaches shall be developed in coordination with the California Department of Fish and Wildlife.

The project proponent shall provide compensatory mitigation for the permanent loss of 48.6 acres of burrowing owl habitat. The compensatory mitigation shall be fulfilled by permanently protecting land that is deemed burrowing owl habitat through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. The conservation easement, including the management of the burrowing owl habitat, is subject to the requirements outlined in the March 7, 2012 Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation.” Alternatively, the project proponent can purchase burrowing owl conservation bank credits from a California Department of Fish and Wildlife approved burrowing owl conservation bank as available.

**Mitigation Measure 3.4-4:** Up to thirty days prior to the commencement of construction during raptor breeding season, the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting raptors. In the event that nesting raptors are found on the project site, offsite improvements site, or the immediate vicinity, the project proponent shall consult with the CDFW and obtain an incidental take permit from the CDFW pursuant to section 2081(b) of the Fish and Wildlife Code. In the event that protected birds, including nesting raptors, are found on the project site, offsite improvement corridors, or the immediate vicinity, the project proponent shall:

- Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City and CDFW;
- A no-disturbance buffer of 250 feet shall be established;
- On-going weekly surveys during raptor breeding season shall be conducted to ensure that the no disturbance buffer is maintained. Construction can resume when a qualified biologist has confirmed that the birds have fledged.

In the event of destruction of a nest with eggs, or if a juvenile or adult raptor should become stranded from the nest, injured or killed, the qualified biologist shall immediately notify the CDFW. The qualified biologist shall coordinate with the CDFW to have the injured raptor either transferred to a raptor recovery center or, in the case of mortality, transfer it to the CDFW within 48 hours of notification. If directed/authorized by the CDFW during the notification, the qualified biologist may transfer the injured raptors to a raptor recovery center.

**Mitigation Measure 3.4-5:** Prior to the commencement of construction, the project proponent shall pay mitigation fees or provide compensatory mitigation for the permanent loss of 48.6 acres for Swainson’s hawk foraging habitat to the Yolo County HCP/NCCP Joint Powers Agency's (JPA) in...
accordance with their Swainson’s Hawk Interim Mitigation Program, for the permanent loss of Swainson’s hawk foraging habitat. This program currently requires compensation at a 1:1 ratio, and projects with impacts over 40 acres are required to provide the conservation land directly to the Yolo County JPA, while projects with impacts that are less than 40 acres may pay mitigation fees or provide compensatory mitigation land. If the project is constructed after adoption of the Yolo Natural Heritage Program, the project proponent shall comply with all requirements of the Yolo Natural Heritage Program.

The following text revisions have been made to Mitigation Measure 3.4-6.

**Mitigation Measure 3.4-6:** No more than thirty days prior to the commencement of construction, the project proponent shall retain a qualified biologist to perform preconstruction surveys for protected mammals, including the Pallid bat, the Silver-haired bat, the Hoary bat, and the American badger. In the event that protected mammals are found on the project site, offsite improvements site, or the immediate vicinity, the project proponent shall consult with the CDFW and obtain an authorization in accordance with the regulations protecting such species.

The following text revisions have been made to Mitigation Measure 3.4-7.

**Mitigation Measure 3.4-7:** During the design of improvement plans, the project proponent shall design the offsite improvements to avoid and minimize impacts on riparian habitat to the extent possible. The project plans shall include provisions to restore riparian habitat in all areas of temporary disturbance upon completion of the offsite improvement. For areas that require permanent disturbance for the offsite improvement, the project applicant shall mitigate the loss by preparing a restoration plan, in coordination with the City of Davis and California Department of Fish and Wildlife, that includes restoring riparian habitat along F Street Channel (or another location if deemed appropriate by the City of Davis and the California Department of Fish and Wildlife) at a 3:1 ratio. The habitat restoration plans shall be approved by the California Department of Fish and Wildlife.

The following text revisions have been made to Mitigation Measure 3.4-8.

**Mitigation Measure 3.4-8:** Install orange construction barrier fencing at the limits of the area needed to construct improvements through the riparian habitat along F Street Channel to identify environmentally sensitive areas around the riparian habitat. Before construction, the contractor shall work with the Davis Department of Public Works, the City’s Wildlife Resource Specialist, and qualified biologist to identify the locations for the barrier fencing, and shall place stakes around the sensitive area to indicate these locations. The fencing shall be installed before construction activities are initiated and shall be maintained throughout the construction period. The following paragraph shall be included in the construction specifications:

- The Contractor’s attention is directed to the areas designated as “environmentally sensitive areas.” These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the City of Davis. The Contractor shall take measures to ensure that Contractor’s forces do not enter or disturb these areas, including giving written notice to employees and subcontractors.
3.0  **Errata**

Temporary fences around the environmentally sensitive areas shall be installed as the first order of work. Temporary fences shall be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the Resident Engineer. The fencing shall be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing shall be tightly strung on posts with a maximum 10-foot spacing.

The following text revisions have been made to Impact 3.4-8 to reflect recent information since the Draft EIR was released.

**Impact 3.4-8: Effects on Protected Wetlands and Jurisdictional Waters (Less than Significant with Mitigation)**

A wetland delineation for the northern half of the project site was prepared by Wetlands Research Associates, Inc. (WRA) in July 2002. Field surveys for the northern half of the project site occurred on June 4, 2002. The delineation was verified by the USACE on September 26, 2002, and was re-verified by the USACE on January 3, 2008, and re-verified again by the USACE on March 6, 2013. A wetland delineation for the southern half of the project site was prepared by Gibson & Skordal, LLC in March 2011. Field surveys for the southern half of the project site occurred on February 28, 2011. A jurisdictional delineation of the offsite improvements site was prepared by Gibson & Skordal, LLC in August 2012. Field surveys for the offsite improvements site occurred on August 8, 2012.

The discussion below presents the potential for the proposed project to affect protected wetlands and jurisdictional waters on the project site and the offsite improvements site. There is a separate impact conclusion for each site.

**Project Site**

**Federal Jurisdiction:** The WRA (2002) wetland delineation documented a potential jurisdictional wetland covering 1.24 acres in the eastern portion of the project site. The potential jurisdictional wetland was characterized as a degraded feature dominated by nonnative plant species that is regularly disturbed by the harvest of oat hay, and becomes increasingly drier at its southern end. WRA (2002) also noted that “the area north and east of the wetland boundary (including a dirt access road) is topographically higher than the wetland itself.”

WRA (2002) concluded that “except under extraordinarily wet conditions, it appears very unlikely that a hydrologic connection between the wetland and the tailwater ditch occurs. Rather water likely collects in the depression and, due to the heavy clay soils, sits for prolonged periods during the rainy season and slowly dries out due to infiltration and evapotranspiration. The reduction in watershed size due to the tailwater ditch improvement will mean reduced water input to the wetland during subsequent rainy seasons, further reducing the possibility of a hydrologic connection between the wetland and the tailwater ditch. Therefore, it does not appear that the potential wetland is subject to Corps jurisdiction under Section 404 of the Clean Water Act as recently adjudicated by the US Supreme Court SWANCC decision.”
The USACE reviewed the WRA (2002) wetland delineation and inspected the project site on August 13, 2002. Subsequently, the USACE provided a verification letter reflecting their concurrence with the WRA (2002) conclusion that the 1.24 acre wetland is isolated with no apparent interstate commerce connection. The USACE further stated that the 1.24-acre wetland is not currently regulated by the USACE under the Clean Water Act. The USACE provided a re-verification letter in January 2008, which restated their concurrence with the previous determination. On March 6, 2013, the USACE provided another re-verification letter restating their concurrence with the previous determination, and stating that this re-verification is valid for five years from the date of the letter (March 6, 2013).

The Gibson & Skordal, LLC (2011) wetland delineation indicated that the southern half of the project site contains no water features, therefore, there are no areas within the project site regulated by the USACE under the Clean Water Act.

Based on the evidence presented above, the project site does not contain any federally protected wetlands or jurisdictional areas. Implementation of the proposed project would have a less than significant impact on federally protected wetlands or jurisdictional areas on the project site.

**State Jurisdiction:** The WRA (2002) wetland delineation documented a potential jurisdictional wetland covering 1.24 acres (54,014 sq.ft.) in the eastern portion of the project site. The potential jurisdictional wetland was determined to be isolated and not an area that is regulated by the USACE under the Clean Water Act. However, under the California Porter-Cologne Water Quality Control Act (Porter Cologne; Ca. Water Code, Div. 7, §13000 et seq.), discharges to wetlands and other “waters of the state” have been and remain subject to state regulation. On January 25, 2001, the Office of Chief Counsel of SWRCB released a legal memorandum confirming the State’s jurisdiction over such waters. Under State law anybody discharging “waste” (including clean fill, riprap or other revetment, excavation sidecasting, dredge spoils, soil displaced while clearing vegetation, etc.) where it could affect waters of the State must first file a report with the appropriate Regional Water Quality Control Board (RWQCB), which will regulate the discharge as necessary to protect the beneficial uses of the waters. Discharging without filing the required report may result in civil penalties for each day the violation occurs, and the discharger may be also required to remove the discharged material and restore the condition of the waterbody.

The proposed project includes plans that would require discharge into the 1.24-acre wetland area. A portion of the 1.24-acres is proposed to be utilized as a storm drainage basin and a portion would be used for the Urban Agricultural area. The construction of the storm drainage basin within the boundary of the 1.24-acre wetland area would require grading activities, which would result in a discharge. Both activities are subject to regulation by the RWQCB for discharge into an isolated wetland. This is a potentially significant impact. Implementation of the following mitigation measure would ensure that the proposed project would have a less than significant impact on state protected wetlands or jurisdictional areas on the project site.

**Mitigation Measures**
Mitigation Measure 3.4-9: Prior to any activities that would result in discharge, fill, removal, or hydrologic interruption of the 1.24-acre wetland area located on the eastern side of the project site, the project proponent shall consult with RWQCB and the CDFW to determine if the activities are subject to their jurisdiction and permit requirements (i.e. RWQCB Waste Discharge Permit and CDFW Streambed and Lake Alteration). If the RWQCB and/or CDFW determines that the project activities are subject to their regulations, the project proponent shall secure an authorization of the activities through the appropriate regulatory permits.

Offsite Improvements Site

Federal Jurisdiction: The Gibson & Skordal, LLC (2012) Preconstruction Notification and Jurisdictional Delineation documented a potential jurisdictional water covering 180 square feet, or 0.004 acres at the storm drainage outfall site in F Street Channel. The F Street Channel has a bed and bank with an ordinary high water mark delineated by a rack line of debris and water marks on the trunks of trees. Construction and installation of the monitoring gage stations in the F Street Channel would result in the disturbance of approximately 500 additional square feet of potential jurisdictional waters. In a letter dated March 5, 2013, the USACE provided a Preliminary Jurisdictional Determination and concurred with the location and amount of jurisdictional water documented at the storm drainage outfall site in F Street Channel.

Construction of the outfall in the F Street Channel will include a concrete cut-off wall at the base of the outfall extending two feet on each side of the outfall pipe. A total of 15 cubic yards of rock rip rap will be placed on bank of the F Street Channel. The rip rap will be stabilized by backfilling with native soil. There may be a temporary disturbance to an additional 520 square feet of the F Street Channel due to equipment access; however, there will be no temporary fills in the F Street Channel.

Construction of the emergency vehicle access and the bike path do not directly impact the F Street Channel, therefore, there will be no fills associated with this construction activity.

The construction of the storm drainage outfall and the monitoring gage stations would have a potentially significant impact on federal jurisdictional waters. Implementation of the following mitigation measure would ensure that the proposed project would have a less than significant impact on federal jurisdictional areas on the offsite improvements site.

State Jurisdiction: The Gibson & Skordal, LLC (2012) Preconstruction Notification and Jurisdictional Delineation identified an impact to a potential jurisdictional water covering 180 square feet, or 0.004 acres at the storm drainage outfall site in F Street Channel. Construction and installation of the monitoring gage stations in the F Street Channel would result in the disturbance of approximately 500 additional square feet of potential jurisdictional waters. Under State law anybody discharging “waste” (including clean fill, riprap or other revetment, excavation sidecasting, dredge spoils, soil displaced while clearing vegetation, etc.) where it could affect waters of the State must first file a report with the appropriate Regional Water Quality Control Board (RWQCB), which will regulate the discharge as necessary to protect the beneficial uses of the waters. Discharging without filing the required report may result in civil penalties for each day
the violation occurs, and the discharger may be also required to remove the discharged material and restore the condition of the waterbody.

Construction of the outfall in the F Street Channel will include a concrete cut-off wall at the base of the outfall extending two feet on each side of the outfall pipe. A total of 15 cubic yards of rock rip rap will be placed on bank of the F Street Channel. The rip rap will be stabilized by backfilling with native soil. There may be a temporary disturbance to an additional 520 square feet of the F Street Channel due to equipment access; however, there will be no temporary fills in the F Street Channel.

Construction of the emergency vehicle access and the bike path do not directly impact the F Street Channel, therefore, there will be no fills associated with this construction activity.

The construction of the storm drainage outfall and the monitoring gage stations would have a potentially significant impact on state jurisdictional waters. This is a potentially significant impact. Implementation of the following mitigation measure would ensure that the proposed project would have a less than significant impact on state protected jurisdictional areas on the offsite improvements site.

**Mitigation Measures**

**Mitigation Measure 3.4-10:** Prior to any activities that would result in discharge, fill, removal, or hydrologic interruption to F Street Channel located at the Storm Drain Outfall site, the project proponent shall obtain a jurisdictional determination from the USACE to determine if the activities are subject to their jurisdiction and permit requirements. If the USACE determines that the Storm Drain Outfall and monitoring gage stations project activities are subject to their jurisdiction, the project proponent shall secure an authorization of the activities that would result in discharge, fill, removal, or hydrologic interruption to F Street Channel as a result of the Storm Drain Outfall and monitoring gage stations project activities. It is anticipated that the project will qualify for a Section 404 Nationwide Permit 7, which will require the project proponent to submit a Preconstruction Notification and comply will all Nationwide Permit General Conditions and Sacramento District Regional Conditions as applicable. Additionally, the project proponent will be required to obtain a Section 401 Water Quality Certification from the RWQCB.

**Mitigation Measure 3.4-11:** Prior to any activities that would result in discharge, fill, removal, or hydrologic interruption of the potential jurisdictional water located at the Storm Drain Outfall site and the monitoring gage stations sites (F Street Channel), the project proponent shall consult with RWQCB and the CDFW to determine if the activities are subject to their jurisdiction and permit requirements (i.e. RWQCB Waste Discharge Permit or NPDES permit) and CDFW Streambed and Lake Alteration. If the RWQCB and/or CDFW determines that the project activities are subject to their regulations, the project proponent shall secure an authorization of the activities through the appropriate regulatory permits.

The following text revisions have been made to Mitigation Measure 3.4-12.
Mitigation Measure 3.4-12: Prior to the commencement of construction, the project proponent shall retain a qualified arborist to perform preconstruction surveys of the project site and offsite improvements site. The Initial Arborist Report and Tree Inventory (April 2012) shall be updated based on subdivision maps, grading plans, improvement plans, and building plans to detail the trees to be preserved and removed. The arborist shall include a Tree Protection Plan that illustrates the grading/improvement plans with the trees plotted on the plans. Compliance with the Tree Protection Plan shall be required before and during any site disturbance and construction activity and prior to issuance of building permits. A Tree Modification Permit shall be submitted to the City for any proposed removal of a tree. Mitigation shall be implemented fees shall be assessed by the City, and paid by the project proponent, in accordance with the Davis Municipal Code Chapter 37 Tree Planting, Preservation, and Protection, and may include tree replacement or a combination of tree replacement and payment of fees.

3.5 Cultural Resources

No changes were made to Section 3.5 of the DEIR.

3.6 Geology and Soils

No changes were made to Section 3.6 of the DEIR.

3.7 Greenhouse Gases and Climate Change

The following changes were made to page 3.7-16 of the Draft EIR:

Residential GHG Emissions Budget Threshold

Baseline and 1990 target GHG emission levels were based on the April 21, 2009 Staff Report on greenhouse gas emission thresholds and standards for new residential development. To achieve 1990 levels of GHG emissions, each residential unit is required to reduce from a baseline of 5.5 MT CO₂ to 3.1 MT CO₂e (a 2.4 MT or 44% reduction per unit). At 551 residential units, a reduction of 1,322 MT CO₂e is required.

The following changes to Impact 3.7-1 were made:

Impact 3.7-1: The residential components of the proposed project may generate GHGs, either directly or indirectly, that may have a significant effect on the environment (Less than Significant with Mitigation)

In order to determine if the proposed project would generate GHGs that may have a significant effect on the environment, the City of Davis has relied on the proposed project’s consistency with previously adopted plans and programs aimed at reducing GHG levels both locally and regionally.

Residential GHG Emissions Analysis

As described under the Thresholds of Significance above, to achieve 1990 levels of GHG emissions, each residential unit is required to reduce from a baseline of 5.5 MT CO₂e to 3.1 MT CO₂e (a 2.4 MT
or 44% reduction per unit). At 551,592 residential units, a reduction of 1,322,142 MT CO₂e is required.

Table 3.7-4 shows the base level of GHG emissions that would be generated from each residential unit, prior to the implementation of any mitigation measures to reduce GHG emissions, shows the 1990 per unit targets for GHG emissions (the threshold of significance per unit), and provides the carbon reduction (GHG emissions reduction) required for each residential unit in order to comply with the City’s adopted residential unit standard.

**Table 3.7-4: Base Emissions, 1990 Emissions Targets, and Carbon Reductions Required**

<table>
<thead>
<tr>
<th></th>
<th><strong>Metric Tons/Unit</strong></th>
<th><strong># of Units</strong></th>
<th><strong>CO₂ (Metric Tons)</strong></th>
<th><strong>LB CO₂E</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline</td>
<td>5.5</td>
<td>551,592</td>
<td>3,034 - 3,256</td>
<td>6,681,134 - 7,178,275</td>
</tr>
<tr>
<td>Target 1990</td>
<td>3.1</td>
<td>551,592</td>
<td>1,708 - 1,835</td>
<td>3,765,729 - 4,045,937</td>
</tr>
<tr>
<td>Carbon Reduction Required</td>
<td>2.4</td>
<td>551,592</td>
<td>1,322 - 1,421</td>
<td>2,915,403 - 3,132,338</td>
</tr>
</tbody>
</table>

*Source: Davis Energy Group, December 2012*

As described in the Davis GHG Thresholds and Standards for New Residential Development, projects may receive credit for GHG reductions based on project density and proximity to transit, as shown in Table 3.7-3. Table 3.7-5 shows the credits that the project would receive towards meeting the GHG reduction requirements, based on the project density and proximity to transit.

**Table 3.7-5: GHG Credits Based on Density and Proximity to Transit**

<table>
<thead>
<tr>
<th></th>
<th>% Reduction</th>
<th><strong>Unit Reduction</strong></th>
<th><strong># of Units</strong></th>
<th><strong>CO₂ (Metric Tons)</strong></th>
<th><strong>LB CO₂E</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Density</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High</td>
<td>5%</td>
<td>0.275</td>
<td>284,325</td>
<td>28,89</td>
<td>172,182 - 197,039</td>
</tr>
<tr>
<td>Medium</td>
<td>2%</td>
<td>0.11</td>
<td>267</td>
<td>29</td>
<td>64,750</td>
</tr>
<tr>
<td>Proximity to Transit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than ¼ mile</td>
<td>5%</td>
<td>0.275</td>
<td>304,297</td>
<td>83,82</td>
<td>182,488 - 180,063</td>
</tr>
<tr>
<td>¼ to ½ mile</td>
<td>2%</td>
<td>0.11</td>
<td>250,295</td>
<td>28,32</td>
<td>60,627 - 71,540</td>
</tr>
<tr>
<td>½ to ¾ mile</td>
<td>1%</td>
<td>0.055</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Credits</td>
<td></td>
<td></td>
<td></td>
<td>218,233</td>
<td>480,047 - 513,392</td>
</tr>
</tbody>
</table>

*Source: Davis Energy Group, December 2012*
3.0 ERRATA

As shown in Table 3.7-4, the project must demonstrate a total reduction of 1,322 metric tons of CO$_2$e to meet the 1990 threshold of significance. As shown in Table 3.7-5, the project receives a credit of 218 metric tons of CO$_2$e towards this reduction requirement, as a result of the project’s density and proximity to transit. Therefore, in order to comply with the City’s residential GHG emissions levels, the project must demonstrate a total reduction of 1,105 metric tons of CO$_2$e for the 551 proposed potential residential units. Implementation of Mitigation Measure 3.7-1 would reduce this impact to a less than significant level.

Table 3.7-6 provides an analysis of the preliminary mitigation plan to reduce GHG emissions levels from the residential component of the proposed project to a level that is below the 1990 GHG emissions threshold used in this analysis.

As shown in the table below, the implementation of the preliminary GHG mitigation measures would reduce total residential GHG emissions throughout the project by 1,107 metric tons of CO$_2$e, which exceeds the required reduction of 1,105 metric tons of CO$_2$e by 154.
### Table 3.7-6: Preliminary GHG Mitigation Measures

<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>% Reduction</th>
<th>Metric Tons per Unit</th>
<th># of Units</th>
<th>CO2 (Metric Tons)</th>
<th>LB CO2E</th>
</tr>
</thead>
<tbody>
<tr>
<td>40% Better than 2008 Title 24</td>
<td>--</td>
<td>(1.55) (1.60)</td>
<td>551</td>
<td>(855)</td>
<td>(1,884,282)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(474)</td>
<td>(1,045,212)</td>
</tr>
<tr>
<td>40% Better than 2008 Title 24 + 1.5kW PV</td>
<td>--</td>
<td>(2.32)</td>
<td>295</td>
<td>(684)</td>
<td>(1,507,197)</td>
</tr>
<tr>
<td>LED BiLevel Street and Path Lighting</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>(21.53)</td>
<td>(47,465)</td>
</tr>
<tr>
<td>45 kW PV for Street and Path Lighting</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>(21.24)</td>
<td>(46,824)</td>
</tr>
<tr>
<td>Package A Update Option 2</td>
<td>10%</td>
<td>(1.85) (2.88)</td>
<td>27</td>
<td>(50) (15)</td>
<td>(109,892)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(33,525)</td>
<td></td>
</tr>
<tr>
<td>Package B Upgrade Option 2</td>
<td>10%</td>
<td>(2.18) (3.85)</td>
<td>27</td>
<td>(59) (41)</td>
<td>(129,597)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(90,957)</td>
<td></td>
</tr>
<tr>
<td>Zero Net Electric Option 2, 3</td>
<td>10%</td>
<td>(3.75) (5.48)</td>
<td>27</td>
<td>(101) (85)</td>
<td>(223,428)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(188,092)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Reduction Due to Mitigation</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>(1,107)</strong></td>
<td><strong>(2,441,488)</strong></td>
</tr>
<tr>
<td><strong>SOURCE:</strong> Davis Energy Group, December 2012</td>
<td></td>
<td></td>
<td></td>
<td><strong>(1,342)</strong></td>
<td><strong>(2,959,273)</strong></td>
</tr>
</tbody>
</table>

**Notes:**
1. Measures listed to meet 1990 GHG reduction goals are preliminary and subject to change
2. Upgrade packages assume additional efficiency measures offered on single family homes. Assumes each package has 10% of homes taking the option.
3. Zero Net Electric Option includes PV installed to offset typical household electricity use over the year.

The following changes were made to Mitigation Measure 3.7-1:

**Mitigation Measures**

**Mitigation Measure 3.7-1:** Prior to the issuance of building permits, the project applicant shall finalize the residential GHG emissions reduction plan and submit the plan to the Department of Community Development and Sustainability for review and approval. The residential GHG reduction plan should include the measures identified in Table 3.7-6. If alternative measures are selected for implementation, the applicant must verify, to the satisfaction of the Department of Community Development and Sustainability, that the residential GHG reduction plan will result in a total reduction of **1,105,188** metric tons of CO2e, or greater, when compared to the baseline level of **3,256,256** metric tons.
3.8 HAZARDS AND HAZARDOUS MATERIALS

The following changes were made to Section 3.8 of the DEIR.

**Impact 3.8-5: The project has the potential to result in safety hazards for people residing or working on the project site as a result of a private airstrip (Less than Significant No Impact)**

There are no documented private airstrips within close proximity to the project site. Implementation of the proposed project would have a less than significant no impact with regards to this environmental issue.

3.9 HYDROLOGY AND WATER QUALITY

No changes were made to Mitigation Measure 3.9-5.

**Mitigation Measure 3.9-5: The building pads for all onsite structures shall be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the Conditional Letter of Map Revision (CLOMR) approved by FEMA. No building permit shall be issued within the area affected by the 100-year floodplain until a CLOMR has been approved by FEMA, and it has been demonstrated that no building pads would be placed below 1.0 feet above the calculated local base flood elevations.**

3.10 LAND USE

The following changes were made to Section 3.10 of the DEIR.

**Impact 3.10-1: The project may result in the physical division of an established community (Less than Significant No Impact)**

The proposed project would result in development of vacant land that is adjacent to the urbanized areas of Davis to the west and south and is adjacent agricultural land to the north and east. The project would not result in any division of an established community. This impact is less than significant. There is no impact.
3.11 Noise

The following changes were made to Impact 3.11-4 to reflect changes to the proposed EVA. The at-grade rail crossing EVA near the northwest corner of the site is no longer proposed, as described in greater detail under Master Response 1, in Section 2.0 of this Final EIR.

Impact 3.11-4: The project may result in transportation noise at sensitive receptors (Significant and Unavoidable Less than Significant)

Development of The Cannery project would result in new noise receptors, specifically residential, park, business commercial, office, and professional uses. The City of Davis General Plan Noise Element specifies an acceptable exterior transportation noise level of 60 dB Ldn for exterior areas of residential uses, including common use areas, 70 dB Ldn for parks, and 65 dB Ldn for office buildings, business commercial and professional uses. These standards are applied to both traffic and railroad noise sources.

Table 3.11-11 identifies the distances to the 60, 65, and 70 dB Ldn noise contours associated with traffic noise. Railroad noise contour distances are shown in Table 3.11-4. Figures 3.11-2 and 3.11-3 show the predicted traffic and railroad noise contours, for on-site uses. Figure 3.11-4 shows the off-site railroad noise contours with and without warning horn usage.

Summary of Traffic Noise Impacts

Based upon review of the noise contours identified in Table 3.11-11 and shown on Figures 3.11-2 and 3.11-3, the 60 dB Ldn exterior traffic noise contour would extend into the first row of buildings located along the East Covell Blvd. frontage. If these uses included exterior use areas (patio/balcony), they may be exposed to exterior noise levels exceeding 60 dB Ldn. New parks and outdoor recreation areas would not be exposed to noise levels in excess of 70 dB Ldn for parks. Office buildings, business commercial, and professional uses would not be exposed to exterior noise levels exceeding 65 dB Ldn.

Modern construction typically provides a 25 dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB Ldn, or less, will typically comply with the City of Davis 45 dB Ldn interior noise level standard. Based upon review of Figure 3.11-2 and 3.11-3, no new sensitive receptors are predicted to be exposed to exterior noise levels exceeding 65 dB Ldn from traffic noise.

Summary of Railroad Noise Impacts

Based upon review of the noise contours identified in Table 3.11-4 and shown on Figure 3.11-3, the 60 dB Ldn exterior railroad noise contour would extend to a distance of approximately 316 feet from the centerline of the CFNR railroad line, with warning horn usage. New residential uses are proposed to be located approximately 150 feet from the railroad centerline. Therefore, these sensitive receptors would be exposed to exterior noise levels exceeding 60 dB Ldn. However, exterior noise levels are predicted to be less than the City’s conditionally acceptable 65 dB Ldn exterior noise level standard, as shown on Figure 3.11-3 and 3.11-4.
Modern construction typically provides a 25 dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB Ldn, or less, will typically comply with the City of Davis 45 dB Ldn interior noise level standard. Based upon review of Figure 3.11-3 and Figure 3.11-4, no existing or new sensitive receptors are predicted to be exposed to exterior noise levels exceeding 65 dB Ldn.

Although the predicted railroad noise levels would comply with the City’s conditionally acceptable 65 dB Ldn exterior noise level standard at new sensitive receptors, increased railroad noise due to warning horn usage would be significant at existing receptors located along the CNFR railroad line. Based upon the Table 3.11-4 data, existing receptors located along F Street, north of Covell Blvd. are currently exposed to exterior traffic noise levels of approximately 62.4 dB Ldn. These receptors are located approximately 185 feet from the CNFR railroad centerline. At this distance railroad noise levels are predicted to be 63.5 dB Ldn. This would result in a combined exterior traffic and railroad noise level of 66.0 dB Ldn, an increase of 3.6 dB. This would exceed the project’s significance criteria of 3 dB where existing noise levels are between 60 and 65 dB Ldn. Additionally, because individual warning horn soundings would result in clear and substantial temporary increases in ambient noise levels, the potential for adverse public reaction would exist, particularly during nighttime hours. This would be a significant impact.

The project could not expose new and existing sensitive receptors to exterior transportation noise levels in excess of established standards. Therefore, this impact is less than significant and no mitigation is required. Additionally, the proposed project may result in a substantial temporary or periodic increase in transportation noise levels associated with railroad warning horn usage. Therefore, this impact is significant.

As described above, the greatest potential for noise impacts to occur as a result of project implementation would be related to train warning horns during both daytime and nighttime hours as trains approach the proposed at-grade emergency vehicle crossing that would connect the project site to F Street. The City of Davis and the project applicant have explored opportunities to provide alternative emergency vehicle access to the Cannery site. However, it has been determined that a crossing at the F Street Channel is the only viable option that would provide adequate emergency access to the site. As described below, Mitigation Measure 3.11-2 requires the City of Davis and the project applicant to pursue the establishment of a “Quiet Zone” for the UPRR railroad corridor adjacent to the project site.

Based on federal rule, local government agencies may restrict the usage of train horns at railroad crossings which meet specified criteria. The crossings are then considered to be within a "Quiet Zone". On approach to such crossings train locomotives are NOT required to sound their horns. The California Public Utility Commission’s Rail Crossings Engineering Section (RCES) reviews notices of intent, establishment or continuation of Quiet Zones, and provides written comments to local authorities, focusing on safety concerns related to the potential for collisions between trains and the public.

In general terms, a Quiet Zone may be established after implementing safety improvements that provide the same level of risk reduction as would otherwise be provided by the train horn. A Quiet
Zone can be one crossing in a community, or several consecutive crossings in one or more communities. A Quiet Zone can be created along corridors shared by both railroad and rail transit.

The Federal Railroad Administration (FRA) Train Horn Rule (49 CFR Part 222) became effective on June 24, 2005. This rule provides a step-by-step process to determine what can be done to offset the lack of a train horn, to calculate the risk reduction associated with potential improvements, to formally document the silencing of the train horns and officially establish a Quiet Zone.

A Quiet Zone does not require state approval, and any crossings meeting the safety criteria established by the federal Train Horn Rule will qualify. Although the federal Train Horn Rule does not require state authority to establish a Quiet Zone, RCES is required to receive and evaluate all notices of intent, establishment or continuation of Quiet Zones, and provide written comments.

The evaluation requires research and verification of data submitted under the rule, as well as a field diagnostic review of the crossings.

Under the Train Horn Rule, RCES is required to participate in diagnostic reviews of crossings in the proposed Quiet Zone and makes recommendations for safety enhancements in lieu of the train’s sounding of their horn. Some crossings will require improvements be implemented before the crossing will qualify for inclusion in a Quiet Zone. Some may qualify as currently configured, however, RCES or the other parties involved in the Quiet Zone review (railroads, FRA, roadway authority) may recommend further improvements be implemented before establishing the Quiet Zone. Cities and Counties decide whether to implement the additional recommended improvements, but the crossing must meet the minimum requirements of the Train Horn Rule before a Quiet Zone can be established.

**Mitigation Measures**

**Mitigation Measure 3.11-1:** Sensitive exterior areas (patio/balcony) associated with the residential mixed uses shall be located outside of the 60 dB Ldn exterior traffic noise contour, as shown on Figure 3.11-3 to the greatest extent feasible. If sensitive receptors are to be located within the 60 dB Ldn exterior noise contour, outdoor activity areas should be shielded from the noise source using site design measures such as building orientation or sound walls.

**Mitigation Measure 3.11-2:** The project applicant shall work in conjunction with the City of Davis to establish a Quiet Zone with the Federal Railroad Administration for the proposed emergency vehicle access. 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 funded by the project applicant.

**Significance After Mitigation**

The proposed mitigation measures would bring the project into consistency with the City’s noise standards. However, the establishment of a railroad corridor Quiet Zone adjacent to the project...
site requires approval from the Federal Railroad Authority. The City of Davis cannot fully guarantee that the establishment of a Quiet Zone would be approved by the FRA. Additionally, even if a Quiet Zone were established adjacent to the project site, some train operators may still elect to sound their warning horns as they cross the at-grade emergency vehicle access road adjacent to the site. The implementation of Mitigation Measure MM 3.11-2 has the potential to greatly reduce noise impacts from train warning horns, if a Quiet Zone is successfully established. However, the City cannot guarantee that this effort would be successful, nor can the City guarantee that all train operators would not sound their warning horns. Therefore, this impact would remain significant and unavoidable.

The following text change is made to page 3.11-30 of the Draft EIR

**Impact 3.11-7: The project may result in cumulative noise impacts (Less than Cumulatively Considerable)**

The following text change is made to page 3.11-30 of the Draft EIR.

**Train Warning Horn Noise**

As discussed under Impact 3.11-4, although the predicted railroad noise levels would comply with the City’s conditionally acceptable 65 dB Ldn exterior noise level standard at new sensitive receptors, increased railroad noise due to warning horn usage would be significant at existing receptors located along the CNFR railroad line. Based upon the Table 3.11-4 data, existing receptors located along F Street, north of Covell Blvd., are currently exposed to exterior noise levels of approximately 62.4 dB Ldn. These receptors are located approximately 185 feet from the CNFR railroad centerline. At this distance railroad noise levels are predicted to be 63.5 dB Ldn. This would result in a combined exterior traffic and railroad noise level of 66.0 dB Ldn, an increase of 3.6 dB. This would exceed the project’s significance criteria of 3 dB where existing noise levels are between 60 and 65 dB Ldn. Additionally, because individual warning horn soundings would result in clear and substantial temporary increases in ambient noise levels, the potential for adverse public reaction would exist, particularly during nighttime hours. The implementation of Mitigation Measure 3.11-2 has the potential to reduce this impact. However, as described previously in this chapter, the City cannot fully guarantee this measure. Therefore, this is considered to be a cumulatively considerable and significant and unavoidable impact.

3.12 Population and Housing

No changes were made to Section 3.12 of the DEIR.

3.13 Public Services

No changes were made to Section 3.13 of the DEIR.
3.14 **Transportation and Circulation**

The following changes were made to page 3.14-48 of the Draft EIR.

**Impact 3.14-5: The proposed site plan would provide inadequate emergency vehicle access. (Less Than Significant)**

*The project proposes an emergency vehicle access (EVA) in the northwest quadrant of the project site across the CNR railroad tracks and an adjacent, wooded drainage channel that would intersect with E Street opposite Faro Avenue. Because the project consists of two primary vehicular accesses on Covell Boulevard and this EVA in the northwest corner of the project, emergency vehicles can access the property from multiple directions. Therefore, adequate emergency vehicle access is proposed and this is considered a less than significant impact.*

The project proposes to construct an emergency vehicle access in the southeast corner of the site, as described below.

**EVA.** The EVA would provide access for emergency vehicles off of E. Covell Boulevard by utilizing the existing driveway on the east side of the proposed urban farm. The Interim EVA would include a gate setback from E. Covell Boulevard to allow for emergency vehicles to pull completely out of the travel-way on E. Covell Boulevard. This access road would be limited to right-in/right-out access from E. Covell Boulevard. The applicant shall work with City Fire and Public Works in the design of the intersection at the EVA driveway and E. Covell Boulevard to limit access to right-in/right out movements, and to accommodate turning movements necessary for emergency fire vehicles. The EVA is shown on Figure 2.0-1 of the Final EIR.

For emergency responders, the gate would be accessed by cutting the padlock. The EVA would be constructed as part of first phase of the proposed project and would provide adequate emergency access for the site.

The project applicant has coordinated with the City’s Fire and Police to identify and develop the proposed Southeast EVA, as described above. Based on these discussions, the City’s Fire and Police staff have indicated that the Southeast EVA, as described above, would provide adequate emergency access to the project site. As such, this impact is less than significant.
3.0 **ERRATA**

**Mitigation Measures**

*None required.*

3.15 **Utilities**

No changes were made to Section 3.15 of the DEIR.

4.0 **Other CEQA Sections**

The following changes were made to pages 4.0-9 and 4.0-10 of the Draft EIR.

**Impact 4.12: The project may contribute to the cumulative exposure of existing and future noise-sensitive land uses or to increased noise resulting from cumulative development (Less than Cumulatively Considerable and Significant and Unavoidable)**

The cumulative context for noise impacts associated with the Proposed Project consists of the existing and future noise sources that could affect the project or surrounding uses. Noise generated by construction would be temporary, and would not add to the permanent noise environment or be considered as part of the cumulative context. The total noise impact of the Proposed Project would be fairly small and would not be a substantial increase to the existing future noise environment.

**Traffic**

Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to the proposed project and other projects within the area. Tables 3.11-14 and 3.11-15 show cumulative traffic noise levels with and without the proposed project. Cumulative noise impacts for the project are based on two different cumulative scenarios. Under the first cumulative scenario, the Covell Village site (located east of the project site) would be developed as residential under cumulative conditions. Under the second cumulative scenario, the Covell Village site would be developed as light industrial under cumulative conditions. Table 3.11-14 shows the cumulative noise levels comparing cumulative no project conditions (with Covell Village developed) as residential to cumulative conditions that include development of the proposed project. Table 3.11-15 shows the cumulative noise levels comparing cumulative no project conditions (with Covell Village developed as light industrial) to cumulative conditions that include development of the proposed project.

Under cumulative conditions, there would not be significant increases in noise levels compared to the no project conditions. However, the 60, 65 and 70 dB Ldn contours would extend farther under cumulative conditions and potentially impact additional sensitive receptors. As shown, the proposed project would contribute no more than 1.1 dB Ldn to noise levels on roadways fronting residential uses along the study area roadways. Additionally, the project would not cause new exceedances of the City of Davis 60 dB Ldn exterior noise level standard. Therefore, the project would not have a considerable contribution to potentially significant cumulative traffic noise impacts.
NON-TRAFFIC NOISE

The proposed project is not expected to create substantial non-traffic noise. Non-traffic noise includes increase pedestrian activity from the additional residential and business uses of the site. The number of people walking and interacting on surrounding roads would increase. This could raise noise levels on these streets slightly as more people utilize amenities in the area. This is not expected to substantially influence interior or exterior noise levels at nearby receptors. Mechanical equipment installed for heating, cooling, ventilation, and power supply would be placed indoors or shielded by mechanical barriers and/or rooftop parapets. Any noise from this equipment is not likely to generated substantial amounts of noise off the project site. Consequently, this would not add to any cumulative noise levels and would result in a less than cumulatively considerable contribution to cumulative stationary noise levels.

TRAIN WARNING HORN NOISE

As discussed under Impact 3.11-4, although the predicted railroad noise levels would comply with the City’s conditionally acceptable 65 dB Ldn exterior noise level standard at new sensitive receptors, increased railroad noise due to warning horn usage would be significant at existing receptors located along the CNFR railroad line. Based upon the Table 3.11-4 data, existing receptors located along F Street, north of Covell Blvd., are currently exposed to exterior noise levels of approximately 62.4 dB Ldn. These receptors are located approximately 185 feet from the CNFR railroad centerline. At this distance railroad noise levels are predicted to be 63.5 dB Ldn. This would result in a combined exterior traffic and railroad noise level of 66.0 dB Ldn, an increase of 3.6 dB. This would exceed the project’s significance criteria of 3 dB where existing noise levels are between 60 and 65 dB Ldn. Additionally, because individual warning horn soundings would result in clear and substantial temporary increases in ambient noise levels, the potential for adverse public reaction would exist, particularly during nighttime hours. The implementation of Mitigation Measure 3.11-2 has the potential to reduce this impact. However, as described previously in this chapter, the City cannot fully guarantee this measure. Therefore, this is considered to be a cumulatively considerable and significant and unavoidable impact.

The following changes are made to page 4.0-18 of the Draft EIR.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

CEQA Guidelines Section 15126.2(b) requires an EIR to discuss unavoidable significant environmental effects, including those that can be mitigated but not reduced to a level of insignificance. The following significant and unavoidable impacts of the Cannery Project are discussed in Chapters 3.1 through 3.15 (project-level) and previously in this chapter (cumulative-level).

- Impact 3.3-1: Project implementation may result in substantial increases in criteria pollutants from project operations.

- Impact 3.3-6 and 4.3: Project implementation may result in cumulative air quality impacts.
3.0 **ERRATA**

- Impact 3.11-4 and 4.12: The project may result in transportation noise at sensitive receptors.

- Impact 3.13-2 and 4.15: Project implementation could result in significant impacts by placing new homes in areas outside of acceptable fire response times.

Impact 3.14-1: Project implementation would result in a significant impact at the unsignalized Covell Boulevard/Oak Tree Plaza Driveway Intersection (#20) (Significant and Unavoidable).

5.0 **ALTERNATIVES**

The following changes were made on pages 5.0-1 and 5.0-2 in Section 5.0 of the DEIR.

Equally important to attaining the project objectives is the reduction of some or all significant impacts, particularly those that could not be mitigated to a less-than-significant level. The following significant and unavoidable impacts of the Cannery Project are discussed in Chapters 3.1 through 3.15 (project-level) and Chapter 4 (cumulative-level):

- Impact 3.3-1: Project implementation may result in substantial increases in criteria pollutants from project operations.

- Impact 3.3-6 and 4.3: Project implementation may result in cumulative air quality impacts.

- Impact 3.11-4 and 4.12: Transportation noise at sensitive receptors

- Impact 3.13-2 and 4.15: Project implementation could result in significant impacts to fire response times.

- Impact 3.14-1: Project implementation would result in a significant impact at the unsignalized Covell Boulevard/Oak Tree Plaza Driveway Intersection (#20) (Significant and Unavoidable).

The following changes were made to page 5.0-18 of the Draft EIR.

**Noise**

As discussed above and in Section 3.11, the primary sources of noise associated with implementation of the proposed project are from increased vehicle trips on study area roadways in the project vicinity and from activities associated with on-site activities. Under this alternative, increased noise levels would also occur on area roadways. The potential for on-site residential uses to be exposed to excessive noise levels would remain comparable to the proposed project. However, there is an increased potential for existing adjacent residential uses to be affected by on-site activities. In particular, the Wildhorse Ranch and PG&E sites are in closer proximity to existing residential uses than the propose project. Noise associated with on-site commercial and office uses, such as truck loading/unloading and mechanical/HVAC noise, and noise associated with on-site parks would have an increased potential to affect existing residential uses. Additionally, the Nishi site and the PG&E site are in relatively close proximity to Interstate 80, which may result in
the exposure of residential uses on these sites to noise from the freeway. Therefore, under this alternative, noise impacts affecting on-site uses are increased when compared to the proposed project. However, this alternative would eliminate the need for an emergency access railroad crossing, and thus would lower the potential noise impacts associated with train horns at this location. As a result this alternative would eliminate the significant and unavoidable impact in this regard that is associated with the project.

The following changes were made to pages 5.0-22 and 5.0-23 of the DEIR.

**Noise**

As discussed above and in Section 3.11, the primary sources of noise associated with implementation of the proposed project are from increased vehicle trips on study area roadways in the project vicinity and from on-site activities associated with the proposed commercial, office, and park uses. This alternative would result in the construction of the same number of housing units and the same area of mixed-use commercial uses as the proposed project. However, under this alternative, more of the housing units would be constructed as high-density housing. Low-density housing would be eliminated under this alternative, and medium-density housing would be reduced under this alternative. In other words, under this alternative, more apartments and condos would be developed, and fewer single-family homes would be developed when compared to the proposed project. As shown in Table 3.14-4, apartments generate fewer daily vehicle trips and fewer peak hour vehicle trips than single-family residences. Therefore, under this alternative, the total daily and peak hour vehicle trips would be reduced, thereby reducing project-generated noise from mobile sources. The potential to expose sensitive receptors to noise associated with the commercial and office uses, including truck loading/unloading and mechanical/HVAC systems, and to noise associated with the on-site parks would remain similar to the proposed project. Overall, under this alternative, noise impacts would be reduced when compared to the proposed project, however because the emergency vehicle railroad crossing would be required under either scenario, impacts would be significant and unavoidable.

6.0 **Report Preparers**

No changes were made to Section 6.0 of the DEIR.
This page left intentionally blank.
This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Cannery project. This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR, some of which were revised after the Draft EIR were prepared. These revisions are shown in Section 3.0 of the Final EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this FMMRP.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Davis will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.

- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.

- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.

- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.
## 4.0 Final Mitigation Monitoring and Reporting Program

### Table 4.0-1: Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AESTHETICS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact 3.1.3: Project implementation may result in light and glare impacts</td>
<td><strong>Mitigation Measure 3.1.1:</strong> In order to reduce the potential for glare from buildings and structures within the project site, the Design Guidelines developed for the project shall prohibit the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project site. The City of Davis Department of Community Development and Sustainability shall be responsible for ensuring that the approved project has adequate measures in place to prohibit the use of reflective building materials that may cause a glare nuisance to off-site receptors.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Prior to issuance of building permits, and throughout project operations.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Mitigation Measure 3.1.2:</strong> In order to reduce potential for nighttime lighting impacts, the project applicant shall prepare and submit a detailed lighting plan for review and approval by the City of Davis Community Development and Sustainability and Public Works Departments. The lighting plan shall include standards for street lighting and for all exterior light fixtures in public, mixed-use, and multi-family areas of the project site. The lighting plan shall comply with Chapter 8 of the Davis Municipal Code-Article 8.17I: Outdoor Lighting Control. The lighting plan may be included in the project’s Design Guidelines, or may be submitted as a stand-alone document. The lighting plan shall be approved by the City of Davis Community Development and Sustainability and Public Works Departments prior to issuance of the first building permit, and shall apply to all phases of project development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AGRICULTURAL AND FOREST RESOURCES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact 3.2.2: Project implementation may conflict with existing zoning for agricultural use or a Williamson Act Contract or otherwise result in land use conflicts with adjacent agricultural lands</td>
<td><strong>Mitigation Measure 3.2.1:</strong> Agricultural activities on the urban farm shall comply with the following measures: 1. Organic farming practices and the use of “organic” pesticides and fertilizers are encouraged. Pesticide application shall be in accordance with all applicable regulations. Pesticides shall be applied by hand pump equipment, small tractor-pulled sprayers, or by hand-held applicators (backpack sprayers). Pesticides shall not be applied by aerial spraying, or when air movement could cause offsite drift.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Throughout project operations.</td>
<td></td>
</tr>
</tbody>
</table>
## Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Soil tilling, earth moving, and fertilizer and pesticide application shall not be permitted when wind conditions would result in offsite drift of fugitive dust, fertilizer or pesticides.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Application of organic fertilizer (manure or compost), if used, shall be performed in a manner that minimizes significant odor impacts on nearby residential parcels.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. The use of mechanical equipment for agricultural purposes shall be limited to between the hours of 6:00 a.m. to 10:00 p.m.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Agricultural areas shall be maintained to provide drainage and minimize the collection of standing surface water.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Commercial composting of materials (composting for sale of compost material for use off-site) shall be prohibited.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Air Quality

**Impact 3.3-1:** Operation of the project may cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation

**Mitigation Measure 3.3-1:** In conjunction with the project’s Sustainability Plan, the project applicant shall incorporate green building designs into the residential and commercial components of the project to help offset area source emissions. Such green building designs will reduce area source emissions by using energy more efficiently and reducing the use of non-renewable energy resources. The Yolo-Solano AQMD suggests the following as potential green building measures:

- Duct system within the building thermal envelope, or insulated to R-8
- Passive cooling strategies including passive or fan-aided cooling planned for or designed into structure, a cupola or roof opening for hot air venting or underground cooling tubes
- Outdoor lighting designed for high efficiency, solar-powered or controlled by motion detectors
- Natural lighting in buildings
- Building siting and orientation to reduce energy use
- Summer shading and wind protection measures to increase

City of Davis Community Development and Sustainability Department and the Yolo-Solano Air Quality Management District

Prior to the issuance of the first residential building permit.
### 4.0 Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
</table>
| Energy efficiency    | • Use of concrete or other non-polluting materials for parking lots instead of asphalt  
|                      | • Use of landscaping to shade buildings and parking lots  
|                      | • Use of photovoltaic and/or wind generators  
|                      | • Installation of energy efficient appliances and lighting  
|                      | • Installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals  
|                      | The Sustainability Plan shall be reviewed and approved by the City of Davis Community Development and Sustainability Department prior to issuance of the first residential building permit.  
|                      | **Mitigation Measure 3.3-2:** Prior to the approval of the Final Map, or as a condition of Final Map approval, the project applicant shall incorporate design measures that function to reduce vehicle emissions by increasing the use of alternative modes of transportation. The Yolo-Solano AQMD suggests the following as potential design measures:  
|                      | • Street trees  
|                      | • Direct pedestrian connections  
|                      | • Zero building setbacks  
|                      | • Pedestrian signalization and signage  
|                      | • Street furniture and artwork  
|                      | • Street lighting  
|                      | • Availability of bicycle parking  
|                      | • Design safe routes to schools  
|                      | • Ensure that infrastructure is provided to accommodate transit. This may include:  
|                      |   o Transit route signs and displays  
|                      |   o Transit stop amenities  
|                      |   o Bus turnouts and bulbs  
|                      | • Design building elevations maximizing visual interest for pedestrians.  
|                      | **Mitigation Measure 3.3-4:** Wood-burning fireplaces shall be prohibited within the proposed project site.  
|                      | City of Davis Community Development and Sustainability Department  
|                      | Prior to approval of the Final Map  
|                      | Throughout all stages of the project  
|                      |  
| 4.0-4                | Final Environmental Impact Report – The Cannery Project  


<table>
<thead>
<tr>
<th>ENVIRONMENTAL IMPACT</th>
<th>MITIGATION MEASURE</th>
<th>MONITORING RESPONSIBILITY</th>
<th>TIMING</th>
<th>VERIFICATION (DATE/INITIALS)</th>
</tr>
</thead>
</table>
| Impact 3.3-2: Construction activities may result in temporary air quality impacts | **Mitigation Measure 3.3-3:** The project applicant shall implement the following dust control measures during all construction activities. These measures shall be a condition of the grading permit.  
- Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.  
- Haul trucks shall maintain at least 2 feet of freeboard.  
- Cover all trucks hauling dirt, sand, or loose materials.  
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydrosed area.  
- Sweep streets if visible soil material is carried out from the construction site.  
- Treat accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.  
- All grading operations shall be suspended when wind speeds (as instantaneous gusts measured by an on-site anemometer) exceed 25 mph and dust has the potential to adversely affect adjacent residential properties. Wind speeds shall be measured with an anemometer onsite a minimum of one time per day. Additional hourly anemometer measurements shall be conducted if wind conditions noticeably increase or are forecasted to be greater than 15 mph. | City of Davis Community Development and Sustainability Department (for review and approval of the grading permit) and the Yolo-Solano Air Quality Management District (for monitoring operations) | During all site grading activities |  |

**Biological Resources**

<table>
<thead>
<tr>
<th>ENVIRONMENTAL IMPACT</th>
<th>MITIGATION MEASURE</th>
<th>MONITORING RESPONSIBILITY</th>
<th>TIMING</th>
<th>VERIFICATION (DATE/INITIALS)</th>
</tr>
</thead>
</table>
| Impact 3.4-2: Project implementation may result in direct or indirect effects on special-status reptile and amphibian species | **Mitigation Measure 3.4-1:** The project proponent shall implement the following measures to protect western pond turtle:  
- A qualified biologist shall conduct a pre-construction survey no more than 24 hours before the start of construction activities within and immediately adjacent to F Street Channel. If a western pond turtle is found within the construction area, the qualified biologist shall halt | City of Davis Community Development and Sustainability Department and the | Prior to and throughout construction activities that may impact western pond |  |

Final Environmental Impact Report – The Cannery Project 4.0-5
### 4.0 Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>construction and immediately report the occurrence to the City. The qualified biologist shall relocate the western pond turtle to the nearest safe location as determined by the California Department of Fish and Wildlife, City staff, and a qualified biologist.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Construction personnel performing activities within and immediately adjacent to the F Street Channel shall receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Construction personnel shall observe a 15 mph speed limit on unpaved roads within and immediately adjacent to the F Street Channel.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Before operating equipment within and immediately adjacent to the F Street Channel, workers shall check for western pond turtle underneath equipment that has remained in one location for 15 minutes. If a western pond turtle is found, the worker shall halt construction activities, and immediately report the occurrence to the qualified biologist and City staff. The qualified biologist shall relocate the western pond turtle to the nearest safe location as determined by the California Department of Fish and Wildlife, City staff and a qualified biologist.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 3.4-2: The project proponent shall consult with the USFWS for a biological opinion regarding the potential for the project to impact giant garter snake habitat. If the USFWS determines that giant garter snake may be potentially affected by project construction, the project proponent shall obtain an incidental take permit from the USFWS and implement the minimization guidelines for giant garter snake as follows:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Construction activity, including grading, earth movement, trenching, installation of underground utilities, pouring concrete, and paving, within and immediately adjacent to the F Street Channel shall be conducted between May 1 and October 1, the active period for giant garter snake.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Davis Community Development and Sustainability Department and the US Fish and Wildlife Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior to and throughout construction activities that may impact giant garter snake habitat</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Department of Fish and Wildlife</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>turtle habitat</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Impact 3.4-4: Project implementation may result in direct or indirect effects on special-status bird species

#### Mitigation Measure 3.4-3:

No less than 14 days prior to initiating ground disturbance activities, the project proponent shall complete an initial take avoidance survey using the recommended methods described in the Detection Surveys section of the March 7, 2012 Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation.” Implementation of avoidance and minimization measures (as presented in the March 7, 2012 Department of Fish and Wildlife “Staff Report on Burrowing Owl Mitigation.”) is required to reduce disturbance to burrowing owls. The survey shall be repeated if a lapse in construction activity of two weeks or greater has occurred. If a burrowing owl is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it is determined by the qualified biologist that the burrowing owls will not be harmed. Any sightings or incidental take will be reported to the U.S. Fish and Wildlife Service and Department of Fish and Wildlife immediately.

If flows are present in the F Street Channel at the time of construction, the portion of the channel affected by construction shall be dewatered for at least 15 consecutive days prior to the start of construction.
### 4.0 Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wildlife Staff Report on Burrowing Owl Mitigation</td>
<td>California Department of Fish and Wildlife</td>
<td>Up to 30 days prior to ground disturbing activities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mitigation Measure 3.4-4: Up to thirty days prior to the commencement of construction during raptor breeding season, the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting raptors. In the event that nesting raptors are found on the project site, offsite improvements site, or the immediate vicinity, the project proponent shall consult with the CDFW and obtain an incidental take permit from the CDFW pursuant to section 2081(b) of the Fish and Wildlife Code. In the event that protected birds, including nesting raptors, are found on the project site, offsite improvement corridors, or the immediate vicinity, the project proponent shall:</td>
<td>City of Davis Community Development and Sustainability Department and the California Department of Fish and Wildlife</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>o Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City and CDFW;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>o A no-disturbance buffer of 250 feet shall be established;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>o On-going weekly surveys during raptor breeding season shall be conducted to ensure that the no disturbance buffer is maintained. Construction can resume when a qualified biologist has confirmed that the birds have fledged.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>In the event of destruction of a nest with eggs, or if a juvenile or adult raptor should become stranded from the nest, injured or killed, the qualified biologist shall immediately notify the CDFW. The qualified biologist shall coordinate with the CDFW to have the injured raptor either transferred to a raptor recovery center or, in the case of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENVIRONMENTAL IMPACT</td>
<td>MITIGATION MEASURE</td>
<td>MONITORING RESPONSIBILITY</td>
<td>TIMING</td>
<td>VERIFICATION (DATE/INITIALS)</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------</td>
<td>--------------------------</td>
<td>--------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Mortality, transfer it to the CDFW within 48 hours of notification. If directed/authorized by the CDFW during the notification, the qualified biologist may transfer the injured raptors to a raptor recovery center.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation Measure 3.4-5:</strong> Prior to the commencement of construction, the project proponent shall pay mitigation fees or provide compensatory mitigation for Swainson’s hawk foraging habitat to the Yolo County HCP/NCCP Joint Powers Agency’s (JPA) in accordance with their Swainson’s Hawk Interim Mitigation Program, for the permanent loss of Swainson’s hawk foraging habitat. This program currently requires compensation at a 1:1 ratio, and projects with impacts over 40 acres are required to provide the conservation land directly to the Yolo County JPA, while projects with impacts that are less than 40 acres may pay mitigation fees or provide compensatory mitigation land. If the project is constructed after adoption of the Yolo Natural Heritage Program, the project proponent shall comply with all requirements of the Yolo Natural Heritage Program.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Prior to ground disturbing activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation Measure 3.4-6:</strong> No more than thirty days prior to the commencement of construction, the project proponent shall retain a qualified biologist to perform preconstruction surveys for protected mammals including the Pallid bat, the Silver-haired bat, the Hoary bat, and the American Badger. In the event that protected mammals are found on the project site, offsite improvements site, or the immediate vicinity, the project proponent shall consult with the CDFW and obtain an authorization in accordance with the regulations protecting such species.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Up to 30 days prior to ground disturbing activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation Measure 3.4-7:</strong> During the design of improvement plans, the project proponent shall design the offsite improvements to</td>
<td>City of Davis Community</td>
<td>During the design of</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Final Environmental Impact Report – The Cannery Project
<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>direct or indirect adverse effects on riparian habitat or a sensitive natural community</td>
<td>avoid and minimize impacts on riparian habitat to the extent possible. The project plans shall include provisions to restore riparian habitat in all areas of temporary disturbance upon completion of the offsite improvement. For areas that require permanent disturbance for the offsite improvement, the project applicant shall mitigate the loss by preparing a restoration plan, in coordination with the City of Davis and California Department of Fish and Wildlife, that includes restoring riparian habitat along F Street Channel (or another location if deemed appropriate by the City of Davis and the California Department of Fish and Wildlife) at a 3:1 ratio. The habitat restoration plans shall be approved by the California Department of Fish and Wildlife.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation Measure 3.4-8:</strong> Install orange construction barrier fencing at the limits of the area needed to construct improvements through the riparian habitat along F Street Channel to identify environmentally sensitive areas around the riparian habitat. Before construction, the contractor shall work with the Davis Department of Public Works, the City’s Wildlife Resource Specialist, and a qualified biologist to identify the locations for the barrier fencing, and shall place stakes around the sensitive area to indicate these locations. The fencing shall be installed before construction activities are initiated and shall be maintained throughout the construction period. The following paragraph shall be included in the construction specifications:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The Contractor’s attention is directed to the areas designated as “environmentally sensitive areas.” These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by the City of Davis. The Contractor shall take measures to ensure that Contractor’s forces do not enter or disturb these areas, including giving written notice to employees and subcontractors.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary fences around the environmentally sensitive areas shall be installed as the first order of work. Temporary fences shall be furnished, constructed, maintained, and removed as shown on the</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ENVIRONMENTAL IMPACT</strong></td>
<td><strong>MITIGATION MEASURE</strong></td>
<td><strong>MONITORING RESPONSIBILITY</strong></td>
<td><strong>TIMING</strong></td>
<td><strong>VERIFICATION (DATE/INITIALS)</strong></td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------</td>
<td>-------------------------------</td>
<td>------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Impact 3.4.8: Project implementation may result in effects on protected wetlands and jurisdictional waters</td>
<td><strong>Mitigation Measure 3.4.9:</strong> Prior to any activities that would result in discharge, fill, removal, or hydrologic interruption of the 1.24-acre wetland area located on the eastern side of the project site, the project proponent shall consult with RWQCB to determine if the activities are subject to their jurisdiction and permit requirements (i.e. RWQCB Waste Discharge Permit). If the RWQCB determines that the project activities are subject to their regulations, the project proponent shall secure an authorization of the activities through the appropriate regulatory permits.</td>
<td>City of Davis Community Development and Sustainability Department and the Regional Water Quality Control Board</td>
<td>Prior to any ground disturbing activities within wetlands or jurisdictional waters identified on the project’s verified Wetland Delineation</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Mitigation Measure 3.4.10:</strong> The project proponent shall secure an authorization of activities that would result in discharge, fill, removal, or hydrologic interruption to F Street Channel as a result of the Storm Drain Outfall and monitoring gage stations project activities. It is anticipated that the project will qualify for a Section 404 Nationwide Permit 7, which will require the project proponent to submit a Preconstruction Notification and comply will all Nationwide Permit General Conditions and Sacramento District Regional Conditions as applicable. Additionally, the project proponent will be required to obtain a Section 401 Water Quality Certification from the RWQCB.</td>
<td>City of Davis Community Development and Sustainability Department and the Regional Water Quality Control Board</td>
<td>Prior to any ground disturbing activities within wetlands or jurisdictional waters</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Mitigation Measure 3.4.11:</strong> Prior to any activities that would result in discharge, fill, removal, or hydrologic interruption of the potential jurisdictional water located at the Storm Drain Outfall site and the monitoring gage stations sites (F Street Channel), the project proponent shall consult with RWQCB to determine if the activities are subject to their jurisdiction and permit requirements (i.e. RWQCB Waste Discharge Permit or NPDES permit). If the RWQCB determines that the project activities are subject to their regulations, the project proponent shall secure an authorization of the activities through the appropriate regulatory permits.</td>
<td>City of Davis Community Development and Sustainability Department and the Regional Water Quality Control Board</td>
<td>Prior to any ground disturbing activities within wetlands or jurisdictional waters</td>
<td></td>
</tr>
</tbody>
</table>
### 4.0 Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (DATE/INITIALS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 3.4-10: Project implementation may result in conflicts with an adopted habitat conservation plan, natural community conservation plan, recovery plan, or local policies or ordinances protecting biological resources</td>
<td>Mitigation Measure 3.4-12: Prior to the commencement of construction, the project proponent shall retain a qualified arborist to perform preconstruction surveys of the project site and offsite improvements site. The Initial Arborist Report and Tree Inventory (April 2012) shall be updated based on subdivision maps, grading plans, improvement plans, and building plans to detail the trees to be preserved and removed. The arborist shall include a Tree Protection Plan that illustrates the grading/improvement plans with the trees plotted on the plans. Compliance with the Tree Protection Plan shall be required before and during any site disturbance and construction activity and prior to issuance of building permits. A Tree Modification Permit shall be submitted to the City for any proposed removal of a tree. Mitigation shall be implemented in accordance with the Davis Municipal Code Chapter 37 Tree Planting, Preservation, and Protection, and may include tree replacement or a combination of tree replacement and payment of fees.</td>
<td>Board</td>
<td>Jurisdictional waters</td>
<td>Prior to construction activities and tree removal</td>
</tr>
</tbody>
</table>

### Cultural Resources

| Impact 3.5-1: Project implementation may cause a substantial adverse change to a significant historical or archaeological resource, or directly or indirectly destroy or disturb a unique paleontological resource or human remains | Mitigation Measure 3.5-1: If any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.  
- If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate... | City of Davis Community Development and Sustainability Department | Throughout all ground disturbing activities |                                                                                      |

---

4.0-12 Final Environmental Impact Report – The Cannery Project
mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.

- If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, 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 to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.

<table>
<thead>
<tr>
<th>ENVIRONMENTAL IMPACT</th>
<th>MITIGATION MEASURE</th>
<th>MONITORING RESPONSIBILITY</th>
<th>TIMING</th>
<th>VERIFICATION (DATE/INITIALS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 3.6-2: Implementation and construction of the proposed project may result in substantial soil erosion or the loss of topsoil</td>
<td><strong>Mitigation Measure 3.6-1:</strong> Prior to the issuance of a grading permit, the project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Davis and City of Davis Community Development and Sustainability Department, Public Works Department, and the RWQCB.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th><strong>Environmental Impact</strong></th>
<th><strong>Mitigation Measure</strong></th>
<th><strong>Monitoring Responsibility</strong></th>
<th><strong>Timing</strong></th>
<th><strong>Verification (Date/Initials)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 3.6-2: The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse</td>
<td><strong>Mitigation Measure 3.6-2:</strong> Prior to the issuance of a building permit, the project proponent shall document to the satisfaction of the City of Davis that at least 85 to 90 percent of annual average stormwater runoff from the project site is treated per the standards in the California Stormwater Best Management Practice New Development and Redevelopment Handbook. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to provide water quality treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. Roofs shall be designed with down spouting into landscaped areas, bubbleups, or trenches. Driveways should be curbed into landscaping so runoff drains first into the landscaping.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Prior to the issuance of a building permit</td>
<td></td>
</tr>
<tr>
<td>Impact 3.6-3: The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse</td>
<td><strong>Mitigation Measure 3.6-3:</strong> Prior to grading, a certified geotechnical engineer shall be retained to perform a final geotechnical evaluation of the soils at a design-level. The grading and improvement plans, as well as the building plans shall be designed in accordance with the recommendations provided in the final geotechnical evaluation. Final geotechnical design shall be developed by a geotechnical engineer in accordance with the California Building Code, and subject to review and approval by the Department of Community Development and Sustainability.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Prior to the issuance of a grading permit</td>
<td></td>
</tr>
</tbody>
</table>

### Greenhouse Gases and Climate Change

| Impact 3.7-1: The residential components of the proposed project may generate GHGs, either directly or indirectly, that | **Mitigation Measure 3.7-1:** Prior to the issuance of building permits, the project applicant shall finalize the residential GHG emissions reduction plan and submit the plan to the Department of Community Development and Sustainability for review and approval. The | City of Davis Community Development and Sustainability Department | Prior to the issuance of building permits | |
### FINAL MITIGATION MONITORING AND REPORTING PROGRAM

<table>
<thead>
<tr>
<th>ENVIRONMENTAL IMPACT</th>
<th>MITIGATION MEASURE</th>
<th>MONITORING RESPONSIBILITY</th>
<th>TIMING</th>
<th>VERIFICATION (DATE/INITIALS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>may have a significant effect on the environment</td>
<td>residential GHG reduction plan should include the measures identified in Table 3.7-6. If alternative measures are selected for implementation, the applicant must verify, to the satisfaction of the Department of Community Development and Sustainability, that the residential GHG reduction plan will result in a total reduction of 1,188 metric tons of CO₂e, or greater, when compared to the baseline level of 3,256 metric tons.</td>
<td>Sustainability Department</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### HAZARDS AND HAZARDOUS MATERIALS

Impact 3.8-1: The project may have the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment

**Mitigation Measure 3.8-1:** Prior to commencement of grading, the applicant shall submit a Soil Management Plan (SMP) for review and approval by the City. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction to reduce the potential for spills and to direct the safe handling of these materials if encountered. The city will approve the SMP prior to any earth moving.

**Mitigation Measure 3.8-2:** Prior to the issuance of grading permits, the applicant shall confirm that all remnant concrete foundations, to the extent they are not suitable for on-site recycling and reuse, will be removed, transported, and disposed of in accordance with environmental regulations and the specifications contained in the 2006 Specifications for Site Demolition Report (GeoTrans, 2006) and shall provide the City with the appropriate documentation.

**Mitigation Measure 3.8-3:** Prior to commencement of farming activities on the project site, the applicant and/or the urban farm operator shall submit a Hazardous Materials Business Emergency Response Plan to the Yolo County Agriculture Department for review and approval.

City of Davis Community Development and Sustainability Department

City of Davis Community Development and Sustainability Department

City of Davis Community Development and Sustainability Department and the Yolo County Agriculture Department
## 4.0 Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 3.8-3: The project has the potential to result in impacts from being included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5</td>
<td><strong>Mitigation Measure 3.8-4:</strong> Prior to the commencement of grading activities for construction of the project, the applicant shall confirm to the City of Davis that shallow soil sampling was performed during Phase 2 of the demolition activities. The sampling shall be performed in the areas that will be affected by the removal of asphalt, concrete, and all underground utilities/pipe/conduit/treatment units. The samples shall be submitted for laboratory analysis of total petroleum hydrocarbons (TPH) (gas, diesel and motor oil) by EPA Method 8015M and volatile organic compounds (VOCs) by EPA Method 8260. The results of the soil sampling shall be provided to the City of Davis. If elevated levels of TPH or VOCs are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Prior to any grading activities</td>
<td></td>
</tr>
<tr>
<td>Impact 3.8-5: Prior to issuance of a final map, the applicant shall properly abandon the monitoring well associated with the former Leaking Underground Storage Tank (LUST), which received closure in 1989. The well abandonment shall be completed consistent with the requirements of the Yolo County Health Department, and the work shall be completed by a C-57 State licensed well contractor.</td>
<td><strong>Mitigation Measure 3.8-5:</strong> Prior to issuance of a final map, the applicant shall properly abandon the monitoring well associated with the former Leaking Underground Storage Tank (LUST), which received closure in 1989. The well abandonment shall be completed consistent with the requirements of the Yolo County Health Department, and the work shall be completed by a C-57 State licensed well contractor.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Prior to issuance of a final map</td>
<td></td>
</tr>
<tr>
<td>Impact 3.8-6: The project’s water quality and detention basin may create a breeding ground for mosquitoes</td>
<td><strong>Mitigation Measure 3.8-6</strong> Upon completion of the onsite stormwater detention basin, the project applicant shall contact the Sacramento-Yolo Mosquito Vector Control District (District) to collaboratively develop and implement a site-specific mosquito control and abatement plan. The applicant shall implement BMPs contained in the District’s Mosquito Reduction Best Management Practices Handbook, as directed by District staff.</td>
<td>Sacramento-Yolo Mosquito Vector Control District</td>
<td>Upon completion of the onsite stormwater detention basin</td>
<td></td>
</tr>
</tbody>
</table>

### Hydrology and Water Quality
### Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 3.9-1: The project may violate water quality standards or waste discharge requirements during construction</td>
<td><strong>Mitigation Measure 3.9-1</strong>: Prior to the commencement of grading activities, the project proponent shall submit, and obtain approval of, an NOI and SWPPP to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall utilize BMPs and technology to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation. The SWPPP shall be kept on site and implemented during construction activities and shall be made available upon request to representatives of the City of Davis and/or RWQCB.</td>
<td>Regional Water Quality Control Board</td>
<td>Prior to any grading activities</td>
<td></td>
</tr>
<tr>
<td>Impact 3.9-2: Prior to the commencement of grading activities, the project proponent shall submit, and obtain approval of, a Spill Prevention Countermeasure and Control Plan (SPCC) to the Yolo County Health Department. The SPCC shall specify measures and procedures to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities, and shall meet the requirements specified in the Code of Federal Regulations, title 40, part 112.</td>
<td>Yolo County Health Department</td>
<td>Prior to any grading activities</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Impact 3.9-3: Project implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, or polluted runoff | **Mitigation Measure 3.9-3**: Prior to approval of the Final Map for the project, and prior to the commencement of any grading operations, the project proponent shall prepare an update to the Flood Control Master Plan. The revised FCMP must be reviewed and approved by the City of Davis Department of Public Works prior to the commencement of grading activities. The updated FCMP shall address the following:  
  - The final land uses and areas of impervious surface in the Tentative Map shall be included in the FCMP and the drainage calculations in the FCMP shall address the drainage and runoff rates of the final conditions in the City of Davis Department of Public Works | City of Davis Department of Public Works | Prior to approval of the final map |  |
| Impact 3.9-4: Prior to approval of the Final Map for the project, and prior to the commencement of any grading operations, the project proponent shall prepare an update to the Flood Control Master Plan. The revised FCMP must be reviewed and approved by the City of Davis Department of Public Works prior to the commencement of grading activities. The updated FCMP shall address the following:  
  - The final land uses and areas of impervious surface in the Tentative Map shall be included in the FCMP and the drainage calculations in the FCMP shall address the drainage and runoff rates of the final conditions in the City of Davis Department of Public Works | City of Davis Department of Public Works | Prior to approval of the final map |  |
### 4.0 Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>approved Tentative Map.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- The FCMP shall include a figure showing the final locations and sizes of the storm drainage facilities throughout the project site, and shall include water surface elevations for the City of Davis 10-year and 100-year storms.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- The FCMP shall include a table showing the Rational Method Calculations for determining the storm drain pipe sizes.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- The FCMP and the project’s drainage system shall meet or exceed the performance drainage standards shown in Table 3.9-2, and the weirs shall be designed to limit post development peak discharges and volumes to the property to the east to no more than the rates and volumes under existing conditions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The revised drainage system shall meet or exceed the City’s and the County’s drainage planning and design criteria.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Impact 3.9-6: The project may place housing or structures that would impede/redirect flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.*

**Mitigation Measure 3.9-4:** Prior to commencement of grading operations, the project proponent shall prepare and submit an application for Conditional Letter of Map Revision (CLOMR) to FEMA for approval. The CLOMR shall include revised local base flood elevations based on current modeling of the project site. No building permit shall be issued in the area impacted by the CLOMR until a CLOMR has been approved by FEMA.

**Mitigation Measure 3.9-5:** The building pads for all onsite structures shall be set a minimum of 1.0 foot above the maximum 100-year water surface elevations on the project site, as shown on the Conditional Letter of Map Revision (CLOMR) approved by FEMA. No building permit shall be issued within the area affected by the 100-year floodplain until a CLOMR has been approved by FEMA, and it has been demonstrated that no building pads would be placed below 1.0 feet above the calculated local base flood elevations.

City of Davis Community Development and Sustainability Department

City of Davis Community Development and Sustainability Department

Prior to any grading activities

Prior to the issuance of building permits

Final Environmental Impact Report – The Cannery Project
### Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Impact 3.11-5: The project may result in stationary noise at proposed receptors | *Mitigation Measure 3.11-3:* Where commercial, business professional, industrial, office, or similar uses abut residential uses or where loading docks or truck circulation routes face residential areas, the following mitigation measures shall be included in the project design:  
  - All heating, cooling and ventilation equipment shall be located within mechanical rooms where possible or shielded with solid barriers;  
  - *Emergency generators shall comply with the City’s noise criteria at the nearest noise-sensitive receivers;* | City of Davis Community Development and Sustainability Department | Prior to issuance of building permits for non-residential uses and during operation of non-residential uses | |
| Public Services       |                    |                           |        |                             |
| Impact 3.13-1: Project implementation may result in effects on fire staffing | *Mitigation Measure 3.13-1:* Prior to the issuance of Certificates of Occupancy, the applicant shall pay all applicable project impact fees per the impact fee schedule. In the event that project-generated revenues are inadequate to fund required service levels, the applicant may be required to establish a special benefit assessment district, special tax, or other funding mechanism to assure adequate funding for the ongoing maintenance and operation of fire protection and related services. | City of Davis Community Development and Sustainability Department | Prior to issuance of certificates of occupancy | |
| Impact 3.13-4: Project implementation may result in effects on schools | *Mitigation Measure 3.13-2:* Prior to the issuance of a building permit, either (1) the subject property shall be subject to special assessments for school facilities pursuant to DJUSD Community Facilities District #2, or (2) the applicant shall pay applicable school fees mandated by SB 50 to the Davis Joint Unified School District and provide a receipt of payment to the Department of Community Development and Sustainability | City of Davis Community Development and Sustainability Department | Prior to issuance of building permits | |
### 4.0 Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 3.13-5: Project implementation may result in effects on parks</td>
<td><strong>Mitigation Measure 3.13-3:</strong> Prior to the issuance of a building permit, or such earlier time if provided by law, the applicant shall pay applicable park in-lieu fees to the City of Davis for the value of the remaining parkland obligation of 1.23 net acres. The final calculations for the park in-lieu fees shall be based on the total residential unit count and parkland acreage in the approved project plans, and shall be based on the 2010 Census figure of 2.55 persons per household.</td>
<td>City of Davis Community Development and Sustainability Department</td>
<td>Prior to issuance of building permits</td>
<td></td>
</tr>
</tbody>
</table>

### Transportation and Circulation

<table>
<thead>
<tr>
<th>Impact 3.14-1: Project implementation would result in a significant impact at the unsignalized Covell Boulevard/Oak Tree Plaza Driveway Intersection (#20)</th>
<th>Several potential measures are available as potential mitigations for this impact. Each measure is described below:</th>
</tr>
</thead>
<tbody>
<tr>
<td>MM 3.14-1A:</td>
<td>Prohibit outbound left-turns from the Oak Tree Plaza driveway via construction of a raised median (that maintains westbound left-turn ingress).</td>
</tr>
<tr>
<td>MM 3.14-1B:</td>
<td>Construct a refuge island within the median of Covell Boulevard at the Oak Tree Plaza driveway to enable outbound left-turns to merge onto westbound Covell Boulevard more easily (via a two stage gap acceptance configuration).</td>
</tr>
<tr>
<td>MM 3.14-1D:</td>
<td>Install a traffic signal at the Covell Boulevard/Oak Tree Plaza driveway.</td>
</tr>
<tr>
<td>MM 3.14-1E:</td>
<td>Modify the permitted turn movements at the</td>
</tr>
<tr>
<td>City of Davis Department of Public Works</td>
<td>To be determined by the Davis Department of Public Works</td>
</tr>
<tr>
<td><strong>ENVIRONMENTAL IMPACT</strong></td>
<td><strong>MITIGATION MEASURE</strong></td>
</tr>
<tr>
<td>--------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>driveways serving Oak Tree Plaza as follows:</td>
<td></td>
</tr>
<tr>
<td>o Westerly Driveway – Permit westbound left-turn ingress in addition to right-turns.</td>
<td></td>
</tr>
<tr>
<td>o Central Driveway – Convert from full-access to right-turns only.</td>
<td></td>
</tr>
<tr>
<td>o Easterly Driveway - Convert from right-turn only to permit outbound left-turns (with a median refuge island).</td>
<td></td>
</tr>
<tr>
<td>o MM 3.14-1F: Accept LOS F in accordance with General Plan MOB Policy 1.1, part c.</td>
<td></td>
</tr>
</tbody>
</table>

**Mitigation Measure 3.14-2:** The project applicant(s) should contribute fair share funding to cover their proportionate cost of the following intersection improvements:

- **8th Street/J Street (Covell Village as Residential or Light Industrial)** – Install a traffic signal along with a dedicated westbound left-turn pocket. Operations would improve to LOS E or better with this mitigation measure in place. The City’s Capital Improvement Program (CIP) includes the installation of a traffic signal at this intersection.

- **Pole Line Road/Picasso Avenue (Covell Village as Residential or Light Industrial)** – install a traffic signal along with lane configurations shown on Figure 3.14-9B. Operations would improve to LOS E or better with this mitigation measure in place.

- **Pole Line Road/Moore Boulevard (Covell Village as Residential or Light Industrial)** – install a traffic signal along
## Final Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Mitigation Measure</th>
<th>Monitoring Responsibility</th>
<th>Timing</th>
<th>Verification (Date/Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>with lane configurations shown on Figure 3.14-9B. Operations would improve to LOS E or better with this mitigation measure in place.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Covell Boulevard/L Street (Covell Village as Residential) – install a traffic signal along with lane configurations shown on Figure 3.14-9B, plus a dedicated westbound right-turn lane. Operations would improve to LOS E or better with this mitigation measure in place under the cumulative plus project with Covell Village as Residential scenario.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Covell Boulevard/L Street (Covell Village as Light Industrial) – install a traffic signal along with lane configurations shown on Figure 3.14-9B, plus a dedicated westbound right-turn lane, and a second eastbound left-turn lane. Operations would improve to LOS E or better with this mitigation measure in place under the cumulative plus project with Covell Village as Light Industrial scenario.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>