

**Environmental Checklist**  
**Initial Environmental Study for Mitigated Negative Declaration #1-08**

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**Project Title:** Chiles Ranch Residential Subdivision  
**Project Number:** Planning Application #55-07: General Plan Amendment #5-07, Rezone/Preliminary Planned Development #8-07, Development Agreement #04-08, Affordable Housing Plan #1-08, Tentative Subdivision Map #3-08, Final Planned Development #12-07, Design Review #7-08 Mitigated Negative Declaration #1-08

**Project Location:** 2411 E. Eighth Street and the abutting parcel to the east, and the abutting parcel to the south (Assessor's Parcel Numbers: 71-020-15; 71-401-02, 71-401-03)

**Project Sponsor:** Owner/Applicant  
New Urban Development, LLC  
c/o Don Fouts & Steve Sherman  
1930 E. Eighth Street, Suite 100  
| Davis, CA 95616

**Lead Agency:** City of Davis, Community Development Department  
23 Russell Boulevard, Davis, CA 95616

**Contact Person:** Cathy Camacho, Planner, (530) 757-5610; [ccamacho@cityofdavis.org](mailto:ccamacho@cityofdavis.org)

**Date Prepared:** May 14, 2009

### **Project Description**

The project proposal is a residential subdivision of 108 dwelling units on three vacant parcels totaling 12.1 acres. The subject site consists of three parcels located generally south of Regis Drive, west of Mesquite Drive, east of the Davis Cemetery, and north of E. Eighth Street. The three parcels would be merged and re-subdivided to create single family dwelling and condominium parcels; city roadway; city greenbelt; common open space; and private alley parcels. The subdivision would provide market rate dwellings, some with detached second dwelling units; and for-sale affordable income dwellings. The single family units would be a mix of attached and detached units; the affordable income units would be primarily provided in condominium units. The development would be served by two entries located off E. Eighth Street. The project density as proposed would be 9.47 units/gross acre. The existing General Plan Land use designation on the three parcels is "Residential Low-Density". Zoning is a mix of Agriculture (A) and Residential One and Two-Family (R-2).

The applicant requests approval of planning entitlement applications:

1. General Plan Amendment to change the General Plan land use map designation of the subject site parcels from "Residential Low-Density" to "Residential Medium-Density."
2. Rezoning and Preliminary Planned Development changing the zoning designation of the subject site parcels from Agriculture (A) and Residential One and Two Family (R-2) to a residential Planned Development with underlying residential single family residential uses. Deviations from the R-1 district development standards are requested to accommodate the proposed planned development including building setbacks, lot width, minimum lot size, floor area ratio, lot coverage, usable open space.
3. Development Agreement between city and developer to set forth use of the parcels, special development provisions, and/or supplement fees.
4. Affordable Housing Plan to govern the affordable housing component of the development.
5. Tentative Subdivision Map to merge the three parcels into a single lot and re-subdivide the merged 12.1 gross acre parcel into 108 lots for single-family residential development, including provision of greenbelt parcels, internal public street; private alleys and common open space.
6. Final Planned Development to establish development standards for the lots, including building setbacks, build heights, lot coverage, floor area ratio, parking, and usable open space.
7. Design Review for site plan and architectural review of proposed building elevations.
8. The environmental review and determination to evaluate and address any potential environmental impacts of the proposed project (Mitigated Negative Declaration).

### **Project Setting**

The Chiles Ranch, (formerly referred to as Simmons Estates) site consists of three vacant parcels. The smallest parcel zoned (R-2) is located on E. Eighth Street. The two larger parcels zoned (A) are located in the interior of the site and are not clearly visible from the street. The property originally operated as a family farm until approximately 1950 when the land was sold. The site once included a farmhouse that was destroyed in a fire in

1972. The property has not been maintained or functioned as a family farm since that time. Several deteriorated outbuildings and a large barn in the southwest quadrant remain on the site. Trees and shrubs are scattered through the site, some of which are trees of significance. A large number of existing trees on site, including those in poor health, are proposed to be removed to accommodate the project. Swainson's hawks are known to nest within one-quarter mile of the proposed project and nesting has occurred on the site in the past and may support nesting in the future. Swainson's hawks, as well as other raptors, have been observed foraging on the project site. White-tailed kites roost in the cedars in the adjacent cemetery and may roost on the Simmons site. A remnant portion of an unnamed slough occurs on the south side of the eastern portion of the Davis Cemetery that cuts through the western portion of the site. The remnant slough no longer functions as a slough and functions as a dry swale.



Aerial View of Chiles Ranch Property and Existing Zoning (3 parcels)

**Surrounding Land Use**

The project area is located north of E. Eighth Street, east of the Davis cemetery, west of Mesquite Drive, and south of Regis Drive.

The subject site is surrounded primarily by residential uses. Single family dwellings are located to the north and east of the site. Multi-family uses are located south/east of the property. Across E. Eighth Street is a mix of multi-family (apartment) and residential one and two family (duplex) uses. One duplex is located west of the vacant parcel fronting E. Eighth Street; the remainder of the west side of the property abuts the Davis cemetery. The surrounding land uses and zoning designations are as shown below.

**Project Site & Its Surrounding GP Land Uses/Zoning Designations**

	<b>Existing Use</b>	<b>Zoning</b>	<b>General Plan</b>
<b>Project Site</b>	Vacant	Residential One and Two Family (R-2) Agriculture (A)	Residential Low-density
<b>North</b>	Single-family residences	R-1-6	Residential Low-density
<b>South</b>	Multi-family & One and two family residences	PD-R-2 and PD 2-91	Residential Low-density
<b>East</b>	Single-family residences	R-1-6	Residential Low-density



Proposed

### Chiles Ranch Subdivision and Surrounding Area

#### **Policy, Plan, and Zoning Consistency**

The subject site parcels are designated “Residential Low-Density” on the General Plan Land Use Map. The zoning is a mix of one and two single family and agriculture uses. As a proposed “Residential Medium-Density” development, the project would require a General Plan Amendment. The entitlement requests include rezoning the subject site to a residential “Planned Development” in order to allow for deviations from R-1 district development standards.

As conditioned and mitigated, if approved, the proposal would be consistent with both the General Plan and Zoning Ordinance.

#### **Previous Relevant Environmental Analysis**

The General Plan land use for the subject site has been designated for residential use since 1974. The General Plan residential category is intended to allow for residential development emphasizing compact clustered development in new areas and infill in existing neighborhoods. The subject site is a city identified infill site intended to meet housing demands and reduce pressure for peripheral growth.

The potential environmental impacts of development of the subject property were analyzed as part of the Environmental Impact Report (EIR) prepared for the City’s 2001 General Plan Update, which is hereby incorporated by reference. The General Plan EIR evaluated the overall build-out of the City under the General Plan to the year 2010, which included possibility for infill development. The action to approve the General Plan adopted a statement of overriding considerations for significant unavoidable impacts in the areas of traffic and impacts on roadway systems, air quality, and noise among others (Resolution No. 01-72 May 23, 2001 certifying the General Plan Update Final EIR and approving the General Plan, Exhibit B – Statement of Overriding Considerations).

#### **Other Agencies Approvals**

California Department of Fish & Game

#### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or as indicated by the checklist on the following pages.

Aesthetics	Agricultural Resources	Air Quality
Biological Resources	Cultural Resources	Energy/Mineral Resources
Geology and Soils	Hazards/Hazardous Materials	Hydrology/Water Quality
Land Use and Planning	Noise	Population and Housing
Public Services	Recreation	Transportation/Circulation
Utilities/Service Systems	Mandatory Findings of Significance	

**CONCLUSION:**

Given the proposed mitigation measures listed above, the proposed project will not have a significant effect on the environment for the following reasons:

1. It will have only temporary or short-term construction impacts, such as dust and equipment emissions, noise and truck traffic.
2. It will not generate a significant amount of additional vehicles, noise or emission levels.
3. It will not affect rare or endangered species of animal or plant, or habitat of such species, and any potential impact is mitigated to less than significant levels.
4. It will not eliminate important examples of major periods of California history or pre-history.
5. It will not result in a significant permanent effect on air, water quality or ambient noise levels.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not have a substantial aesthetic affect.
8. It will not breach any published national, state or local standards relating to solid waste.
9. It will not involve the possibility of contaminating public water supply or adversely affecting groundwater.
10. It will not result in or add to a violation of the waster discharge requirements applicable to local sewer systems as prescribed by California Regional Water Quality Control Board.
11. It will not occur to the disadvantage of long-term environmental goals.
12. It will not result in adverse cumulative impacts.
13. It will not result in adverse growth-inducing impacts.
14. It will not result in substantial adverse effects on human beings either directly or indirectly.
15. It will not conflict with the City's General Plan.

**DETERMINATION:**

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described herein have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at lease one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signed Name  
Cathy Camacho  
Printed Name

Date  
City of Davis  
Agency

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

<b>I. AESTHETICS</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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Would the proposal:

- a) Affect a scenic vista or scenic highway?
- b) Have a demonstrable negative aesthetic effect?
- c) Create light or glare?

**a) No Impact.** The project site is not located on a designated scenic vista or scenic highway.

**b)-c) Less Than Significant Impact.** The proposal for residential development on the subject site will have a minimal demonstrated negative aesthetic effect on the environment. The site is surrounded by existing residential uses. The loss of the open space may be considered an adverse effect by some existing residents of the adjacent parcels. Staff does not believe it to be significant because urban development has been intended on the site since at least 1973. The original home on the site was destroyed in a fire in 1972. Over the past 35 plus years the site has not been maintained and is vacant, with the exception of the remaining outbuildings which have deteriorated and are uninhabitable.

The proposed residential development, if approved, would add new lighting to an area that is surrounded by residential homes and roadways, where lighting, such as street lighting exists. A buffer of approximately fifty feet would be provided between existing and new homes, which would reduce impacts from new lighting to less than significant. Public street lighting would be subject to the City's Outdoor Lighting Control Ordinance which ensures that light is fully shielded. Landscaping and trees will also reduce aesthetic impacts and glare. Light or glare from the project site would be minimized and any impact would be reduced to less than significant.

<b>II. AGRICULTURAL RESOURCES</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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Would the proposal:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Programs of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

**a) Less Than Significant Impact.** The proposed residential project is an infill development identified for development since the 1973 General Plan. A rezone would be necessary on the parcels zoned Agriculture, but residential development would be consistent with the intended residential General Plan Land use designation on all three parcels. The General Plan has land use map principles, which support the development of infill sites with the residential projects. Some applicable principles include:

- “Focus growth inward to accommodate population increases. Infill development is supported as an appropriate means of meeting some of the city’s housing needs.
- Create and maintain housing patterns that promote energy conserving transportation methods.”

The site operated as a farm complex from 1902 until 1960 when the land was sold. The site was subsequently a family farm until 1972 when the original home on the site was destroyed in a fire in 1972. The land has not been farmed since that time. Its previous use for agriculture is no longer viable given that adjacent uses are urban. It is surrounded by residential homes, park site and roadways. Any impact is considered less than significant.

**b)-c) No Impact.**

There is no conflict with agricultural use, or Williamson Act contract. It would not result in conversion of Farmland to non-agriculture at the current state. No impact can be identified with the proposed project.

III. AIR QUALITY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal:

- a) Violate any air quality standard or contribute to an existing or projected air quality violation?
- b) Expose sensitive receptors to pollutants?
- c) Alter air movement, moisture, or temperature, or cause any change in climate?
- d) Create objectionable odors?

**a)-d) Less Than Significant Impact.** The proposal is to develop residential units on three vacant parcels. The subject site and the City of Davis are located within the Yolo-Solano County Air Quality Management District (YSAQMD), which is part of the Sacramento Valley Air Basin and designated by the U.S. Environmental Protection Agency (EPA) as the Sacramento Federal Ozone Non-Attainment Area. The non-attainment area consists of all of Sacramento and Yolo counties, and parts of El Dorado, Solano, Placer and Sutter counties. Air quality within YSAQMD violates state and federal standards for ozone and state standards for particulate matter (PM<sub>10</sub>). YSAQMD is responsible for limiting the amount of emissions that can be generated throughout the district by various stationary and mobile sources.

Motor vehicles are the major source of ozone through emission of reactive organic gasses (ROG) and nitrogen oxides (NOX), which are precursor components of ozone. PM-10 sources primarily are derived from construction, demolition, farming activities and road dust. The YSAQMD has established numeric thresholds of significance in its CEQA Air Quality Handbook (2007) to evaluate the air quality impacts of construction-related and operational-related activities based on amount of ROG, NOX, and PM<sub>10</sub> emissions that would be produced. The thresholds are 10 tons per year of ROG, 10 tons per year of NOX, and 80 pounds per day of PM<sub>10</sub>. The YSAQMD Handbook also identifies examples of projects that would be expected to exceed these thresholds of significance based on size characteristics. The proposed project falls under the established thresholds. However, projects that do not exceed operational thresholds may still exceed thresholds during construction period. The proposed project is well under the screening threshold for operational emissions.

It is anticipated that the residential project, if approved and implemented, will generate pollution during construction and create some pollutants upon occupancy. Residential units are considered sensitive receptors.

Exposure to pollutants from certain building materials and particulate emissions from diesel engines, for instance, could pose a cancer risk as they are considered Toxic Air Contaminants (TACs). The YSAQMD Handbook establishes thresholds of significance for exposure to TACs from stationary sources. Exposure from stationary sources in excess of the following thresholds would be considered a significant air quality impact:

- Probability of contracting cancer for the Maximally Exposed Individual (MEI) equals to 10 in one million ( $1 \times 10^{-5}$ ) or more; and
- Ground-level concentrations of non-carcinogenic toxic air contaminants would result in a Hazard Index equal to 1 for the MEI or greater.

The Handbook notes that these thresholds are used for stationary sources, but do not address TACs from mobile sources. The Air Quality District has no permitting authority or other regulatory authority over mobile sources and there is currently no specific mobile source TAC threshold.

No Air Quality Analysis was prepared for the project as staff determined that impacts relative to the built environment would be less than significant. There is no evidence that a residential development of the nature and location proposed would violate any air quality standards or significantly contribute to an existing air quality violation. It is not anticipated that the proposed residential use within an established neighborhood would generate pollutants and expose people to pollutants to a threshold identified which would be considered significant. Any short term impacts during construction would be subject to standard city ordinances which would reduce impacts to a less than significant level. The project would not produce objectionable odors (commonly types of facilities known to be producers of odors include by wastewater treatment facilities, sanitary landfill, food processing facility, petroleum refinery, fed lot/dairy, etc.)

### **Climate Change**

Regulation of air quality is achieved through both federal and state ambient air quality standards and emissions for residential sources of air pollutants. The United States Environmental Protection Agency has established air quality standard for common pollutants. Currently USEPA regulations for greenhouse gas emissions do not exist. The state has recently adopted legislation to attempt to control GHG by curbing sprawl and establishing targets for GHG emissions, and the California Air Resources Board has recommended rules and regulations to cap and reduce GHG emissions. Regional and local jurisdictions have been advocating and implementing steps for reducing GHG emissions. A summary of air quality management in the regulatory context is provided in Exhibit 1.

It is anticipated that the proposed residential project will contribute to greenhouse gases that can impact the climate and contribute to global warming. The State greenhouse carbon allowance is 6.5 MT per residential units. Under these assumptions greenhouse gas emissions for the project would result in 594 MT per year (108 units). On April 21, 2009, the City Council adopted two resolutions to address climate change through 2050 (Exhibits 2 and 3). The resolutions establish greenhouse gas emission reduction targets for the City of Davis, and greenhouse gas reduction thresholds and standards for new residential projects that are consistent with or exceed state targets. The initial target reduction year is 1990, which would be in effect until 2010. The adopted methodology provides a mix of credits and mitigation measures to reduce GHG for residential project.

Without mitigations, the project would be above the threshold established by the city. The project will generate 594MT of carbon. The project would be required to reduce GHG by 259.2 MT to meet 1990 standards. The Chiles Ranch carbon reduction proposal includes credits for density and proximity to transit line; exceeding current Title 24 standards by 35 percent; pre-wiring all dwellings within the subdivision for photovoltaics; and the installation of photovoltaics within the project. This innovative approach will provide benefits to the environment and reduce energy costs for the residents within the subdivision. The total reduction under the project proposal would be 594.2 MT. The proposal will exceed the adopted City of Davis GHG targets for residential projects by 0.2 MT. Any impacts would be reduced to a less than significant level.

Standard City Conditions of approvals, which include water conservation; energy efficiency; greenbelt dedication; parking lot shading; tree preservation, planting and protection; and the recently adopted Green Building Ordinance would further help to reduce potential impacts. It is anticipated that conditions of approval to be imposed on the project will reduce any impacts to less than significant.

The project is consistent with General Plan policies for land use, circulation, and air quality that seek to coordinate land use and transportation planning and encourage alternatives automobile transportation and a reduction in vehicle usage. The project is located within one-quarter mile of exiting bus routes. The developer proposes street gutter modifications on E. Eighth Street in the project vicinity to accommodate a future bus route. An

existing dip in street gutter currently prohibits bus travel on E. Eighth Street east of Pole Line road. A future bus route on E. Eighth Street would provide alternative transportation options to current and new residents in the area.

Although the project would have an incremental contribution within the context of the City and region, the individual impact is considered less than significant given the size of the project. The compact medium density development on an infill identified for residential use is consistent with state legislation to attempt to control GHG emissions by curbing urban sprawl and reducing vehicle miles traveled.

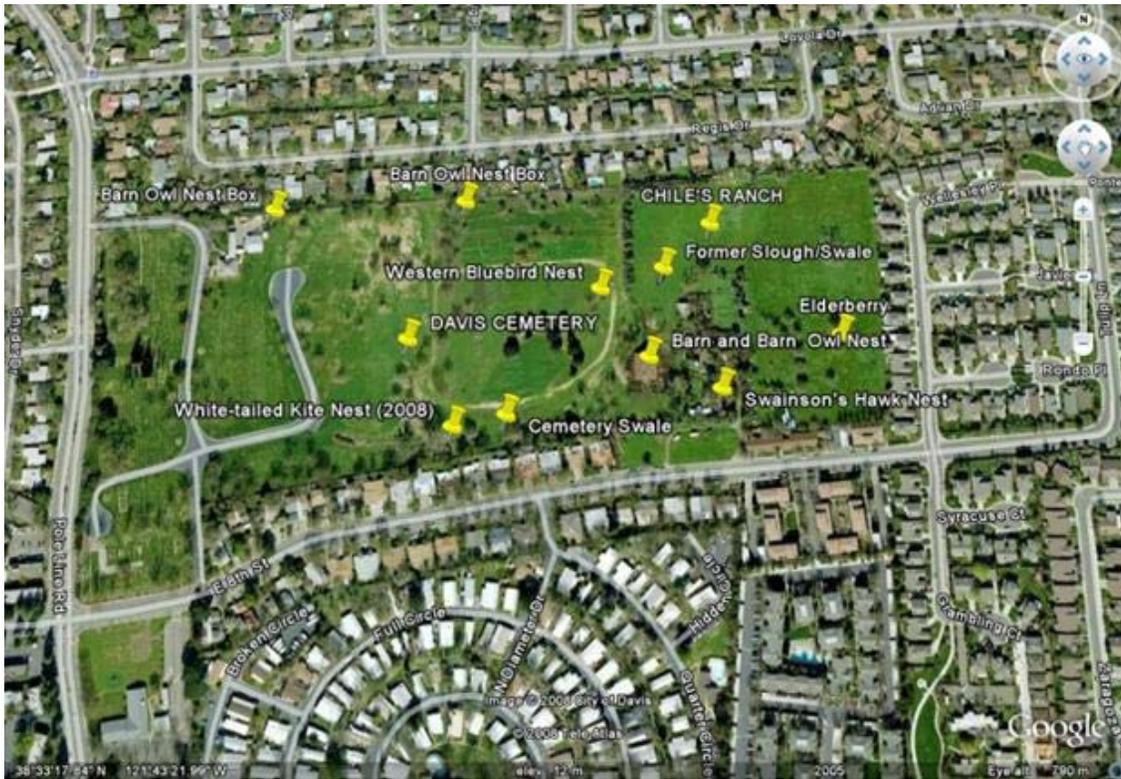
IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal result in impacts to:

- a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?
- b) Locally designated species (e.g. heritage trees)?
- c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?
- d) Wetland habitat (e.g. marsh, riparian and vernal pool)?
- e) Wildlife dispersal or migration corridors?

**a) Potentially Significant Unless Mitigated.** A biological survey was prepared for the project by Edward D. Whisler Biological. The survey stated that Swainson’s hawk nesting has occurred on the site in the past and may support nesting in the future. Swainson’s hawks are known to nest within 1/4 mile of the proposed project. The survey also noted that other potentially sensitive species have been identified to roost on the site or within the vicinity, including white-tailed kites, barn owls, burrowing owls, bats, yellow-billed magpie and western bluebird have been identified to nest or roost on or within the immediate vicinity of the proposed project site. Direct or indirect impacts to nests or individuals of these species may occur as a result of construction, and would therefore be considered potentially significant.

A large elderberry shrub was identified within the proposed project site. The elderberry shrub is the sole host plant for the valley elderberry longhorn beetle (VELB). Correspondence from the United States Department of the Interior, Fish and Wildlife Service (Exhibit 5), stated that the elderberry shrub located within the parcel was not likely to be inhabited by the VELB because the shrub is surrounded by development, isolated from other elderberry shrubs or other riparian vegetation, is not located within a riparian area, and has no exit holes detected in three years of focused surveys. The applicant has transplanted the elderberry shrub to a service approved conservation bank (Wildlands Inc, River Ranch VELB Conservation bank in Yolo County) following the Service’s July 19, 1999 conservation Guidelines for the Valley Elderberry Longhorn beetle in doing so.



Aerial View Showing Location of Biological Resources

**1. Mitigation Measure. Loss of Swainson's Hawk Nesting Habitat**

None of the trees proposed for removal by the project currently contain active nests. However, Swainson's hawk nesting has occurred on the site in the past and may support nesting in the future. Swainson's hawks are known to nest within one-quarter mile of the proposed project. Implementation of the proposed project could result in the loss of nesting habitat or lead to the failure of active nests, which would be considered potentially significant. The following mitigation measure would be necessary to reduce the adverse effects to Swainson's hawk nesting habitat to a less than significant level.

- a) If avoidance of project activity (demolition of existing structures, grading or new construction) during the breeding season is not feasible, a qualified biologist shall conduct a pre-construction survey to determine the nesting status of Swainson's hawk on site and within one-quarter mile of the project site. This shall be a condition of any grading permit. The survey shall be conducted no less than 14 days and no more than 20 days before the beginning of construction (including equipment and materials staging) between the months of April and early September. If no active nests are found during the survey, no further mitigation for nesting Swainson's hawk shall be required.
- b) If during the focused survey active Swainson's hawk nests are identified on-site or within one-quarter mile of the proposed, no construction shall be allowed until a qualified biologist determines that the young have fledged (able to forage independently from adults), or that the nest has failed and becomes inactive. Any trees containing nests that must be removed as a result of the proposed project shall only be removed during the non-breeding season (September to March). Additional mitigation measures may be necessary in this instance as dictated by the California Department of Fish and Game.

**2. Mitigation Measure - Loss of 11.9 Acres of Suitable Swainson's hawk Foraging Habitat**

The Chiles Ranch contains approximately 12.1 acres. As identified above, the project site has a history of Swainson's hawk nesting. Active Swainson's hawk nests occur within one-quarter mile of the site. Swainson's hawks, as well as other raptors, have been observed foraging on the project site. Approximately 0.22 acres of existing structures occur on the proposed site and are considered non suitable habitat for Swainson's hawk foraging. The 11.9 acres associated with the project would result in loss of suitable foraging habitat and would be considered potentially significant. The following mitigation measure would be necessary to reduce the adverse effects to Swainson's hawk nesting habitat to a less than significant level.

- i. Prior to the issuance of grading permits, the project applicant shall pay the appropriate fee for 11.9 acres

of foraging habitat affected for impacts to Swainson's hawk foraging habitat. Yolo County HCP/NCCP Joint Power Association (JPA) entered into agreement with the California Department of Fish and Game regarding mitigation. The agreement requires that 1 acre of habitat management lands be acquired for each 1 acre of Swainson's hawk foraging habitat lost.

- ii. Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the project proponent shall place and record one or more Conservation Easements that meet the foraging habitat mitigation acreage requirement. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The conservation easement(s) shall be reviewed and approved in writing by California Department of Fish and Game prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk. The proponent shall provide the City with a copy of the DFG consistency finding, and a receipt of conservation easement acquisition prior to the\_start of construction.

### **3. Mitigation Measure - Impacts to Other Potentially Occurring Sensitive Species**

White-tailed kites, barn owls, burrowing owls, bats, yellow-billed magpie and western bluebird have been identified to nest or roost on or within the immediate vicinity of the proposed project site. Direct or indirect impacts to nests or individuals of these species may occur as a result of construction, and would therefore be considered potentially significant. The following mitigation measures would be necessary to reduce potential direct and indirect impacts to nesting white-tailed kites, burrowing owl, barn owl, yellow-billed magpie, and western bluebird, or roosting bats to a less than significant level.

- a) If avoidance of project activity (demolition of existing structures, grading, or new construction) during the breeding season is not feasible, a qualified biologist shall conduct pre-construction survey(s) to determine the nesting status of white-tailed kites, barn owls, burrowing owls, yellow-billed magpies and western bluebird, and roosting bats on site and within 250 feet of the project site. This shall be a condition of any grading permit. The survey shall be conducted no less than 14 days and no more than 20 days before the beginning of construction (including equipment and materials staging) between the months of March and early September. If no active nests or roosts are found during the survey, no further mitigation for nesting/roosting of aforementioned species shall be required.
- b) If during the focused survey(s) active nests or bat roosts are identified on-site or within 250 feet of the proposed, no demolition of existing structures or construction shall be allowed until a qualified biologist determines that the young have fledged (able to forage independently from adults), or that the nest has failed and becomes inactive. In the case of bats roosting in existing structures, exclusion shall be the only option prior to demolition. The existing structures and trees containing nests that must be removed as a result of the proposed project shall only be removed during the non-breeding season (September to March).

**b) Less Than Significant Impact.** The site is undeveloped with vegetation, which is largely composed of grasses, shrubs and numerous trees on the property. The site does not contain landmark or locally designated trees, however a large number of "trees of significance" (trees with trunk diameters of 5 inches or greater (dwb) are scattered throughout the site. "Tree Survey" and "Tree Appraisal Summary" reports were prepared for the project by Dan Quickert, ISA Certified Arborist in July 2007. The report noted number of trees on site, the diameter, canopy radius, location, condition, and appraisal value for each tree. The report identified 221 viable trees on site. A total of 206 trees are proposed to be removed to accommodate the project; 15 trees are proposed to be preserved. Approximately 217 new trees are proposed to be planted on site. The project would be subject to the City's standard Tree Preservation, Planting and Protection Ordinance which would reduce impacts to less than significant.

**c)-e) No Impact.** The project does not adversely affect any locally designated species, natural communities, wetland habitats, or migration corridors. The project is considered to have no impact.

The site contains a remnant portion of an unnamed slough that occurs on the south side of the eastern portion of the Davis Cemetery that cuts through the western portion of the site. The other portions of the slough have been filled in by agriculture and residential development prior to the 1960s. The remnant slough no longer functions as a slough and functions as a dry swale. The vegetation in the remaining slough/swale now consists of annual grassland and is very similar to the adjacent annual grassland. No wetland vegetation or high-water mark exists in the slough/swale. The western portion of the slough/swale in the cemetery is irrigated and collects rainwater during the winter, allowing wetland vegetation to grow. The eastern portion of the slough in the cemetery is not

irrigated and supports very little wetland vegetation, if any. Because the slough/swale is separated by a dirt barrier from the cemetery, there is no water flow from the cemetery into the site.



Photograph of Remnant Slough/Swale

There are no wetlands, or water bodies within the project site and surrounding areas. The project does not adversely affect any locally designated species, natural communities, wetland habitats, or migration corridors. The project is considered to have no impact.

V. CULTURAL RESOURCES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal:

- a) Disturb paleontological resources?
- b) Disturb archaeological resources?
- c) Affect historical resources?
- d) Have the potential to cause a physical change which would affect unique ethnic cultural values?
- e) Restrict existing religious or sacred uses within the potential impact area?

**a)-e) Less Than Significant Impact.** The project site was farmed until 1970s. It has been vacant and undeveloped since that time. There are no records of any historical or archaeological sites on the project site or within the area that would warrant additional analysis. The site and area are not considered a sensitive cultural site. Given no known history of cultural or archaeological findings within the area in the past, any impact is considered to be less than significant. However, the City standard ordinance will apply in the event that archaeological, paleontological, or historical resources are discovered during excavation.

**c)-e) No Impact.** Two independent historical surveys conducted on the subject site concluded that the site and buildings did not meet the criterion for federal, state or local designation as historical resources. The key building (the main house) has been gone since 1972. The remaining buildings date to 1902 through 1936. Most of the

pre-1936 agricultural buildings and structures, except the large barn, have been extensively altered and exhibit poor integrity. On July 29, 1008, the City Council determined the barn is not a local merit resource. No religious resources are associated with the project site that would be impacted. The area is not considered a sensitive cultural site. There are no impacts that can be identified with the proposed project.

VI. ENERGY AND MINERAL RESOURCES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal:

- a) Conflict with adopted energy conservation plans?
- b) Use non-renewable resources in a wasteful and inefficient manner?
- c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

**a) & c) No Impact.** The project does not conflict with any energy conservation plan. There are no known mineral resources on site or surrounding areas. The proposed project is considered to have no impact on these resources.

**b) Less Than Significant Impact.** The proposed residential project will not require substantial amounts of energy during construction and upon occupancy, should the project be approved and implemented. The project would result in the consumption of additional non-renewable resources, however, it is not expected that the residential use would result in wasteful and inefficient uses of the resources. Standard City conditions of approval will be applied to the proposed project that will require it to meet and/or exceed state and local energy conservation requirements. For instance, the proposed project will be conditioned to be subject to the City's Green Building Ordinance, which requires projects to incorporate a variety of green building measures that would help reduce energy use. Any impact is considered to be less than significant.

VII. GEOLOGY AND SOILS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal result in or expose people to potential impacts involving:

- a) Fault rupture?
- b) Seismic ground shaking?
- c) Seismic ground failure, including liquefaction?
- d) Seiche, Tsunami, or volcanic hazard?
- e) Landslides or mudflows?
- f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?

- g) Subsidence of the land?
- h) Expansive soils?
- i) Unique geologic or physical features?

**a)-c) & f)-h) Less Than Significant Impact.** The proposed project would not increase the exposure to identified geologic hazards. No known earth quake fault lines are located within the City. There are a number of fault zones located within 100 miles of the city, but the City of Davis is not located within an Alquist-Priolo Special Study Zone. The San Andreas fault system is to the west and the Eastern Sierra fault system, and has not created any surface rupture in the City of Davis. As identified in the General Plan EIR (pg. 51-2), the City is identified as being in Seismic Risk Zone III. This means the maximum intensity of an earthquake that would be experienced in the area would be a VII or VII on the modified Mercalli intensity scale. An earthquake of such magnitude could result in slight to moderate damage in specially designed or standard structures.

City standard conditions of approval will require the project to provide and comply with a site-specific soils report prior to construction and be appropriately designed to meet all earthquake standards as required by Building Codes. Any impacts are considered to be less than significant.

**d), e) & i) No Impact.** The project site is flat. There are no features or known hazards that would present a tsunami, seiche, volcano, landslide, or mudflow risk. The project is considered to have no impact.

VIII. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal involve:

- a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?
- b) Possible interference with an emergency response plan or emergency evacuation plan?
- c) The creation of any health hazard or potential health hazards?
- d) Exposure of people to existing sources of potential health hazards?
- e) Increased fire hazard in areas with flammable brush, grass, or trees?

**a)-e) No Impact.** The project is a single-family residential project. It will not involve the use of substantive hazardous materials beyond what is acceptable in a residential designated land use area. It is not anticipated that the proposed project would expose people to or create any new health hazards. The site has a history of agricultural use, but no evidence of hazards has been identified. No sites within the vicinity of the subject site are considered threatening to the environmental integrity of the project. The project is considered to have no impact to hazards and hazardous materials.

IX. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal result in:

- a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?
- b) Exposure of people or property to water related hazards such as flooding?
- c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?
- d) Changes in the amount of surface water in any water body?
- e) Changes in currents, or the course or direction of water movements?
- f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?
- g) Altered direction or rate of flow of groundwater?
- h) Impacts to groundwater quality?
- i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?

**a)-i) Less Than Significant Impact.** The proposed residential development would result in surface runoffs. The project will be required to comply with City requirements for stormwater drainage and discharge as matter of standard practice via conditions of approval. The site improvements will include bioswales for stormwater temporary detention and groundwater recharge to minimize runoff issues. The project will connect to City water system that draws from groundwater supplies. The project will be required to comply with standard water conservation measures for appliances and irrigation. The site is not within a 100 year flood zone. Approval by the City Engineer of grading plans is required.

The proposed project does not result in any new or additional impacts related to hydrology or water quality. There are no water bodies on or near the project site that would be affected. The site is not within the 100 year flood zone. Approval by the City Engineer of grading plans is required. The project would have less than significant impacts on hydrology and water quality.

<b>X. LAND USE AND PLANNING</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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Would the proposal:

- a) Conflict with general plan designation or zoning?
- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

- c) Be incompatible with existing land use in the vicinity?
- d) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)?
- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

**a)-c) Less Than Significant Impact.** The site is currently designated Residential Low-Density on the General Plan land use map. The Zoning Ordinance designations currently are in conflict relative to permitted uses on the site. However, the proposal includes amendment of both the General Plan and Zoning Ordinance land use designations to facilitate the proposed Residential-Medium density development. The project would be consistent with the general plan and zoning with approval of the land use changes. Upon approval, the proposed residential use will be consistent with the overall intent of the general plan, environmental plans, and policies for land use, housing, economic development and circulation.

Surrounding properties are single, one and two family, and multiple family residential developments. The residential use will be compatible as proposed with surrounding residential land use. Any impacts are considered less than significant.

**d) & e) No Impact.** The project does not affect any agricultural resources or operations. The site is adjacent to residences within the urbanized city limits. No impacts can be identified as a result of the proposed project to agricultural resources or operations, and there will be no disruption or division of physical arrangement of the surrounding community.

XI. NOISE	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal result in:

- a) Increases in existing noise levels?
- a) Exposure of people to severe noise levels?

**a-b) Less Than Significant Impact.** The proposal is a residential development within existing residential neighborhoods. The proposed use is compatible with existing surrounding uses. Construction-related noise would result in a short-term increase in noise levels beyond those identified for a residential district in the General Plan Noise Element. There are no existing sources of noise that exceed City standards that have been identified within the site, or surrounding areas.

The city regulates noise impact via the Noise Ordinance (Municipal Code Chapter 24), which also specifies construction hours and operations. For instance, it limits noise from construction equipment to 86 dBA at the edge of the property plane. The proposed project will be subject to the requirements of the Noise Ordinance, which will be imposed as part of the standard conditions of approval. This will result in the reduction of the construction noise to less than significant.

XII. POPULATION AND HOUSING	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal:

- a) Cumulatively exceed official regional or local population projections?
- b) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?
- c) Displace existing housing, especially affordable housing?

**a) & c) No Impact.** The proposed residential project is consistent with the City's Infill Policies and accounted for within the City's General Plan. It would not exceed anticipated city population growth projections' policies. It would help to provide needed housing to meet the City's Regional Housing Allocation Fair-share. Given that the site is vacant, no existing housing will be displaced. No impacts can be identified with the proposed project.

**b) Less Than Significant Impact.** While the implementation of the proposed project will provide for increase in the City's population, it would not be construed as growth inducing given its consistency with the City's growth goals and policies, including to encourage infill residential developments and to grow within. Any impact is considered less than significant.

XII. PUBLIC SERVICES	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

- a) Fire protection?
- b) Police protection?
- c) Schools?
- d) Maintenance of public facilities, including roads?
- e) Other governmental services?

**a)-e) Less Than Significant Impact.** The project is located is an infill development consistent with the General Plan infill definition. Services are already available and provided infill projects. The proposed residential project will require basic public services, but it is not anticipated that there will be a need to provide any new or altered services. All city departments and applicable outside agencies have reviewed the project and no significant issues have been raised. Fire, police, schools, and other public facilities are available and adequate to serve the project. The project will be required to pay related impact fees. The project is considered to have a less than significant impact on public services.

XIV. RECREATION	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal:

- a) Increase the demand for

neighborhood or regional parks or other recreational facilities?

b) Affect existing recreational opportunities?

**a) & b) Less Than Significant Impact.** The proposed residential project will add residents to the area and create additional use of parks and other recreational facilities. The project includes bicycle path improvements to the east that will enhance access to the city greenbelt connection to Mace Ranch. Existing parks and facilities are adequate to serve the project.

The project does not include parkland dedication. City standard conditions of approval will be imposed on the project relative to impact fees for parks. It is not anticipated that the project will adversely affect any existing recreational facilities and opportunities within the city. Any impacts are considered less than significant given that fair share of impacts would be paid for by the project and adequate facilities exist to serve the increased population due to the proposed project.

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<b>XV. TRANSPORTATION AND CIRCULATION</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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Would the proposal result in:

- a) Increased vehicle trips or traffic congestion?
- b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?
- c) Inadequate emergency access or access to nearby uses?
- d) Insufficient parking capacity on-site or off-site?
- e) Hazards or barriers for pedestrians or bicyclists?
- f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?
- g) Rail, waterborne or air traffic impacts?

**a), c), d) e) Less Than Significant Impact.** The proposed project design does not include any unusual traffic or safety hazards. Installation of a new public road will provide adequate on-site circulation. The proposed project will meet parking requirements for residential single family uses as shown on the site plan and will be made part of the conditions of approval. Frontage and off-site improvements related to the project will be designed consistent with City standards. Emergency accesses will be provided which are found to be adequate by both Fire and Police Departments of the City.

A Traffic Impact Analysis was prepared for the proposed project by *KD Anderson and Associates* in October 2008. The study was conducted after the beginning of the new school year 2008-09 to ensure that the highest potential traffic volumes in the vicinity of the project were captured and analyzed in the report. The study area is shown below.

The study looked at the impacts of developing the site with 108 units plus existing conditions and concluded that the development would create less than significant adverse transportation impacts under existing plus project conditions. The project is expected to generate approximately 1,238 new daily trips into the roadway network along E. Eighth Street west of the project, and approximately 135 new daily trips east of the site. Of these,

approximately 85 new trips will be generated during peak a.m. hours, and 111 new trips will be generated during p.m. peak hours. Trips generated (road volume) and Levels of Service (LOS) at intersections would continue to operate above the city's General Plan level of service threshold of D or better. Mitigation related to traffic volumes or LOS for the project is not required.

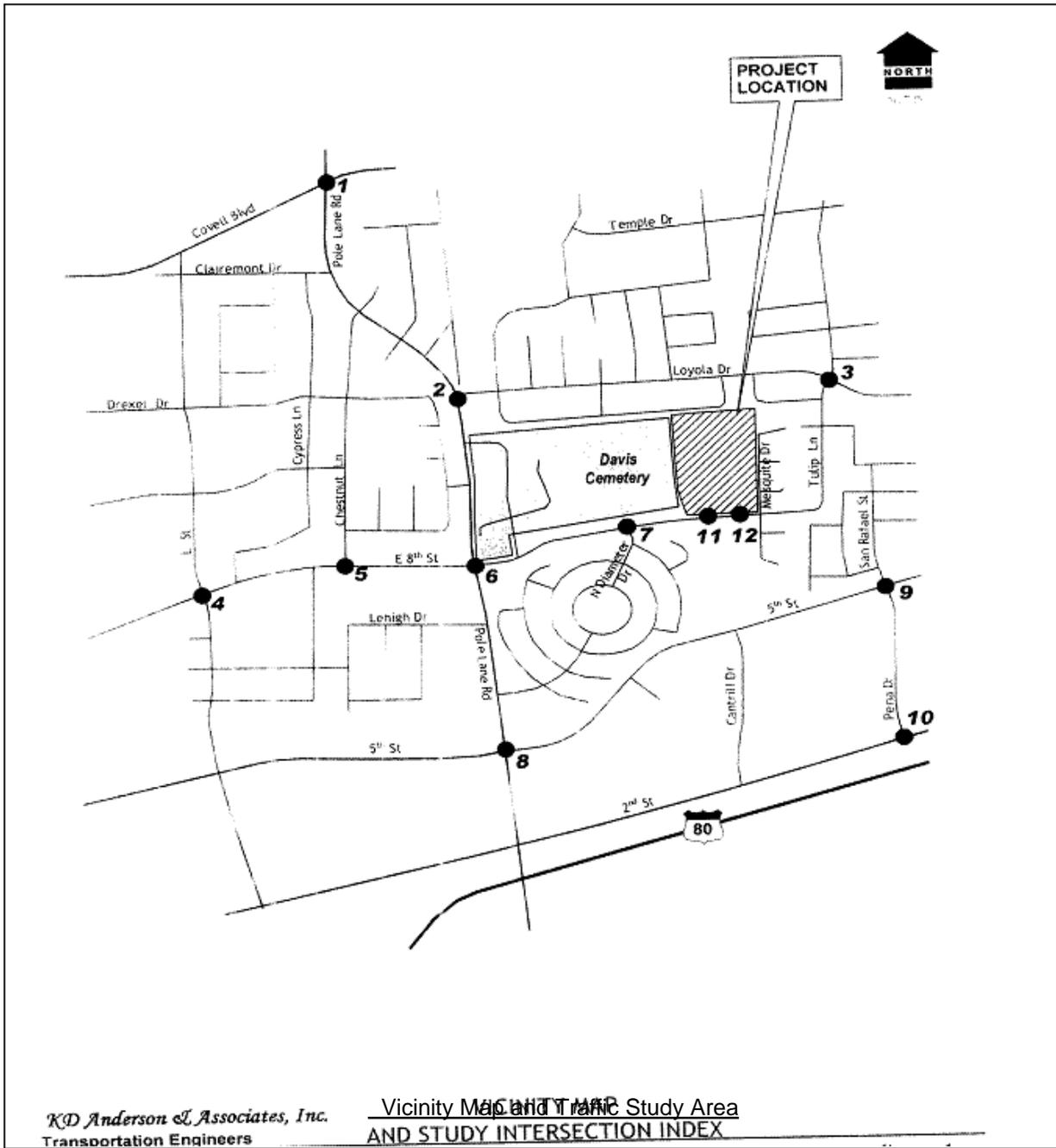
The traffic study also identified two approved and or pending projects in the vicinity. These include the Second Street Crossing (Target Store) project located along Second Street and the Verona Subdivision located along Fifth Street at Alhambra Drive. The approved projects are expected to generate 8,207 daily trips. No mitigations are recommended under this scenario. All roadway segments and intersections will operate above the City's LOS D or better.

**b) Less than Significant Impact.** Hazards to safety from design features or incompatible uses would be less than significant. The project incorporates the following design features into the project to address safety.

- i. The traffic study recommended that the confluence between the pedestrian / bike pathway at the east side of the site and E. Eighth Street be designed so that bicycle traffic exiting from the pathway stops prior to entering E. Eighth Street. The bicycle path has been redesigned so that riders enter the project roadway system prior to entering E. 8<sup>th</sup> Street.
- ii. The traffic study recommended consideration of treatments such as curb extension to narrow the roadway and to slow vehicles at the southeast intersection ("T" in the road) so that motorists would not become complacent at this point and turn without observing bicycles and pedestrians. The developer has incorporated curb extension into the site plan in this area.
- iii. The traffic study recommended that the development includes a pedestrian crossing at the west loop roadway to provide access to the resident garden. The street curves at the point. The proposed width of the streets is less than the standard city street and the basis for slowing traffic down along the internal street system. An enhanced crossing would serve to decrease speed along and to increase driver awareness at this section of the roadway. The developer proposes textured pavement at the crossing to address this comment.

**f) Less Than Significant Impact.** The project proposes to modify an existing gutter at the intersection of Mesquite Drive and E. Eighth Street. The gutter currently prevents a fully loaded bus from traveling on E. Eighth Street in the project of the vicinity of the project, even though the need for service is recognized by Unitrans, the city and existing residents. If the modifications are feasible to accommodate a bus route in this area, it would provide an alternative public transportation choice to new and existing residents. Absent a new bus route on E. Eighth Street, the impacts of the project would be less than significant as currently alternate bus stops are located with ¼ mile of the project. The project, as conditioned, will be consistent with policies for alternative transportation. There are existing bike paths and lanes within the area, which the proposed project will complement.

**g) No impact.** There are no impacts that can be identified with the proposed project relative to rail, waterborne or air traffic.



**XVI. UTILITIES AND SERVICE SYSTEMS**

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- a) Power or natural gas?
- b) Communications systems?
- c) Local or regional water

- treatment or distribution facilities?
- d) Sewer or septic tanks?
- e) Storm water drainage?
- f) Solid waste disposal?
- g) Local or regional water supplies?

**a)-g) Less Than Significant Impact.** The site is an existing infill site located within the city limits. The General Plan land use designation of the site has been identified the site as “Residential” for over thirty years. The development of the site is included in the one percent growth cap assumed in the General Plan. Under the General Plan EIR it was anticipated that the development of the site for residential use would result in less than significant impacts on water supply. The proposed residential development would result in surface runoffs. The project will be required to comply with City requirements for stormwater drainage and discharge as matter of standard practice via conditions of approval. The site improvements will include bioswales for stormwater temporary retention and groundwater recharge to minimize runoff issues. The project will connect to City water system that draws from groundwater supplies. The project will be required to comply with standard water conservation measures for appliances and irrigation.

Utilities and services are existing or available through local City Services, Davis Waste Removal, Pacific Gas and Electric, and other providers. The project will use some of the existing service capacity. There has been no information from any of the services providing agencies indicating inadequate supplies to serve the proposed project. Therefore, the proposed project would not result in the need for any new systems or supplies. The developer will be required to work with utility service providers prior to building permits and occupancy to make sure infrastructure for the site will be adequate. The project will not have a significant impact on utilities or services in that new systems or substantial alterations for are not anticipated to be required.

<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have the potential to achieve short-term objectives, to the disadvantage of long-term, environmental

goals?

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

**a) Less Than Significant Impact.** The proposed project is an infill proposal on a site that had been designated for development since 1973. The site is surrounded by residential development and the Davis cemetery. The site is currently vacant. It is covered by weed and grasses with potential habitat value. It is known that there is Swainson’s hawk nest within one-quarter of mile of the site. There is no knowledge of possible burrowing owls on the site, or other special species. Appropriate mitigation measures have been included to address the potential impacts to Swainson’s hawk and burrowing owls foraging habitat and nesting. Given the proposed mitigation measures and City standard conditions of approval, the project would not substantially degrade the quality of the environment and is considered to have a less than significant impact.

**b) Less Than Significant Impact.** The project involves development of a vacant site that will consistent with the proposed Zoning and General Plan. The proposed project will meet all applicable City requirements. It is not anticipated that the proposed project will conflict with any known City goals, standards, or policies. While there will be short-term adverse noise and air quality impacts associated with the development of the site, no long-term environmental impacts can be identified. Any impacts are considered to be less than significant.

**c) Less Than Significant Impact.** There are no known cumulative adverse impacts associated with the proposed residential infill project. Short-term air quality and noise impacts have been identified and mitigation measures to reduce the impacts to less than significant levels are proposed for adoption. The transportation study prepared for this project found no adverse impacts that will warrant mitigation measures. Given that the proposed project would generate additional vehicle trips, it is anticipated that it would contribute pollutants to the area that is already deemed as non-attainment zone. However, it is not anticipated that the proposed project would generate a considerable contribution to cumulatively impact the region. It should be noted that District Air Quality Plan assumes some increase in growth and a cumulative impact from all development projects. Proposed mitigation measures are anticipated reduce the incremental emissions contribution as much as possible. Again, the General Plan policies encourage infill development. The Program EIR for the General Plan Update determined that mitigation measures could be implemented to reduce potential air quality impacts, but that the impacts would remain significant and unavoidable. The District considers an impact cumulatively significant if projected emissions are greater than emissions for the site if developed under the existing land use designation. This will not be the situation with regards to the subject site’s development with 108 single-family homes.

The proposed project will produce greenhouse gases that contribute to global warming impacts. The proposed project would include a number of elements consistent with recently adopted city policies to reduce overall carbon emissions. The location is within one-quarter mile of existing transit and proposes bicycle paths and greenbelt to provide connectivity to Mace Ranch Park. City streets with bike lanes exist on E. Eighth Street immediately adjacent to the south side of the property. Siting of the buildings take advantage of southern exposures and roofs will allow for photovoltaic to be installed. The project applicant proposes pre-wiring all units for PV and the installation photovoltaics within the project. The project will comply with city requirements for energy conservation and efficiency. Any impacts would be less than significant, individually or cumulatively.

**d) Less Than Significant Impact.** The proposed residential development project, as conditioned and mitigated, will be consistent with surrounding residential uses. It is a site selected for urban develop in a little over 35 years,

which is not surrounded by fully developed homes and a city park. All potential impacts have been analyzed and addressed above and determined to be less than significant. The project will have no significant adverse impacts on human beings as mitigated and conditioned.

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## **Summary of Mitigation Measures**

### **Biological**

#### **1. Mitigation Measure. Loss of Swainson's Hawk Nesting Habitat**

None of the trees proposed for removal by the project currently contain active nests. However, Swainson's hawk nesting has occurred on the site in the past and may support nesting in the future. Swainson's hawks are known to nest within one-quarter mile of the proposed project. Implementation of the proposed project could result in the loss of nesting habitat or lead to the failure of active nests, which would be considered potentially significant. The following mitigation measure would be necessary to reduce the adverse effects to Swainson's hawk nesting habitat to a less than significant level.

- a) If avoidance of project activity (demolition of existing structures, grading or new construction) during the breeding season is not feasible, a qualified biologist shall conduct a pre-construction survey to determine the nesting status of Swainson's hawk on site and within one-quarter mile of the project site. This shall be a condition of any grading permit. The survey shall be conducted no less than 14 days and no more than 20 days before the beginning of construction (including equipment and materials staging) between the months of April and early September. If no active nests are found during the survey, no further mitigation for nesting Swainson's hawk shall be required.
- b) If during the focused survey active Swainson's hawk nests are identified on-site or within one-quarter mile of the proposed, no construction shall be allowed until a qualified biologist determines that the young have fledged (able to forage independently from adults), or that the nest has failed and becomes inactive. Any trees containing nests that must be removed as a result of the proposed project shall only be removed during the non-breeding season (September to March). Additional mitigation measures may be necessary in this instance as dictated by the California Department of Fish and Game.

#### **2. Mitigation Measure - Loss of 11.9 Acres of Suitable Swainson 's hawk Foraging Habitat**

The Chiles Ranch contains approximately 12.1 acres. As identified above, the project site has a history of Swainson's hawk nesting. Active Swainson's hawk nests occur within one-quarter mile of the site. Swainson's hawks, as well as other raptors, have been observed foraging on the project site. Approximately 0.22 acres of existing structures occur on the proposed site and are considered non suitable habitat for Swainson's hawk foraging. The 11.9 acres associated with the project would result in loss of suitable foraging habitat and would be considered potentially significant. One of the following mitigation measures would be necessary to reduce the adverse effects to Swainson's hawk nesting habitat to a less than significant level.

- i. The Yolo County HCP/NCCP Joint Power Association (JPA) entered into agreement with the California Department of Fish and Game regarding mitigation for impacts to Swainson's hawk foraging habitat. The agreement requires that 1 acre of habitat management lands be acquired for each 1 acre of Swainson's hawk foraging habitat lost. Prior to the issuance of grading permits, the project applicant shall pay the appropriate fee for 11.9 acres of foraging habitat affected; or
- ii. Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, the project proponent shall place and record one or more Conservation Easements that meet the foraging habitat mitigation acreage requirement. The conservation easement(s) shall be executed by the project proponent and a Conservation operator. The conservation easement(s) shall be reviewed and approved in writing by California Department of Fish and Game prior to recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk. The proponent shall provide the City with a copy of the DFG consistency finding, and a receipt of conservation easement acquisition prior to the\_start of construction.

#### **3. Mitigation Measure - Impacts to Other Potentially Occurring Sensitive Species**

White-tailed kites, barn owls, burrowing owls, bats, yellow-billed magpie and western bluebird have been

identified to nest or roost on or within the immediate vicinity of the proposed project site. Direct or indirect impacts to nests or individuals of these species may occur as a result of construction, and would therefore be considered potentially significant. The following mitigation measures would be necessary to reduce potential direct and indirect impacts to nesting white-tailed kites, burrowing owl, barn owl, yellow-billed magpie, and western bluebird, or roosting bats to a less than significant level.

- a) If avoidance of project activity (demolition of existing structures, grading, or new construction) during the breeding season is not feasible, a qualified biologist shall conduct pre-construction survey(s) to determine the nesting status of white-tailed kites, barn owls, burrowing owls, yellow-billed magpies and western bluebird, and roosting bats on site and within 250 feet of the project site. This shall be a condition of any grading permit. The survey shall be conducted no less than 14 days and no more than 20 days before the beginning of construction (including equipment and materials staging) between the months of March and early September. If no active nests or roosts are found during the survey, no further mitigation for nesting/roosting of aforementioned species shall be required.
- b) If during the focused survey(s) active nests or bat roosts are identified on-site or within 250 feet of the proposed, no demolition of existing structures or construction shall be allowed until a qualified biologist determines that the young have fledged (able to forage independently from adults), or that the nest has failed and becomes inactive. In the case of bats roosting in existing structures, exclusion shall be the only option prior to demolition. The existing structures and trees containing nests that must be removed as a result of the proposed project shall only be removed during the non-breeding season (September to March).
- c) The project applicant shall pay fair share fees for the future water supply project(s) required to meet city demand beyond 2020 at the time of building permit issuance.

### **References and Sources**

1. City of Davis. May 2001. General Plan & General Plan Environmental Impact Report.
2. City of Davis. March 2006. Zoning Ordinance.
3. KD Anderson & Associates, Inc., Transportation Consultants, Chiles Ranch Traffic Impact Analysis. October 2008.
4. Sacramento Metropolitan Air Quality Management District. June 2008. Draft Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways.
5. Yolo-Solano Air Quality Management District. July 11, 2007. Handbook for Assessing and Mitigating Air Quality Impacts.
6. California Air Resources Board. April 2005. Air Quality and Land Use Handbook: A Community Health Perspective.
7. Edward D. Whisler Biological. Biological Resources Report for Chiles Ranch, 2411 East Eighth Street, Davis, California. July 2007.
8. Tree Associates, Dan Quickert, ISA Certified Arborist. Tree Evaluation, Simmons Property, 2411 E. Eighth Street, Davis, California. July 2007.
9. JRP Historical Consultants, Historical Survey, Chiles-Simmons Property. August 2006.
10. Roland-Nawi Associates Preservation Consultants, Peer Review and Evaluation, Chiles-Simmons Property. June 2008.

### **Exhibits**

1. Summary of Regulatory Standards of Air Quality
2. Chiles Ranch Subdivision Carbon Reduction Proposal
3. Resolution #08-166, Adopting Greenhouse Gas Reduction Targets for the City of Davis
4. Resolution #09-043, Adopting Greenhouse Gas Reduction Thresholds and Standards for New Residential Projects
5. Correspondence, United States Department of the Interior, Fish and Wildlife Service, September 4, 2008
6. *KD Anderson & Associates*, Traffic Study Vicinity Map