

**Proposed Mitigated Negative Declaration for the
Davis 3808 Faraday Avenue Project**

Lead Agency:

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

Project Title: Davis 3808 Faraday Avenue Project

Project Location: The project site consists of approximately 7.81 acres, located at the northeastern corner of 2nd Street and Faraday Avenue in East Davis Mace. The project site is bounded by Faraday Avenue to the north and west, vacant land to the east, and 2nd Street and Interstate 80 to the south. The project site can be identified by its Assessor's Parcel Numbers (APN) 071-411-009.

Project Description: The proposed site plan includes one single-story concrete tilt-up building, totaling approximately 107,612 square feet of manufacturing space on 7.81-acres. The back of the building will contain 2-4 dock doors and 2-5 grade level overhead doors to accommodate the proposed biotech/advanced manufacturing tenant base, five onsite bioretention areas, associated parking, and trucking docking stations.

Findings:

In accordance with the California Environmental Quality Act, the City of Davis has prepared an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. The Initial Study and Proposed Mitigated Negative Declaration reflect the independent judgment of City of Davis staff. On the basis of the Initial Study, the City of Davis hereby finds:

Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A Mitigated Negative Declaration has thus been prepared.

The Initial Study, which provides the basis and reasons for this determination, is attached and/or referenced herein and is hereby made a part of this document.


_____, Senior Planner

December 15, 2022

Signature

Date

Proposed Mitigation Measures:

The following Mitigation Measures are extracted from the Initial Study. These measures are designed to avoid or minimize potentially significant impacts, and thereby reduce them to an insignificant level. A Mitigation Monitoring and Reporting Program (MMRP) is an integral part of project implementation to ensure that mitigation is properly implemented by the City and the implementing agencies. The MMRP will describe actions required to implement the appropriate mitigation for each CEQA category including identifying the responsible agency, program timing, and program monitoring requirements. Based on the analysis and conclusions of the Initial Study, the impacts of proposed project would be mitigated to less-than-significant levels with the implementation of the mitigation measures presented below.

BIOLOGICAL RESOURCES

Mitigation Measure BIO-1: *Prior to any ground disturbance, a qualified biologist shall conduct a preconstruction survey for sensitive species covered under the Yolo HCP/NCCP. Preconstruction surveys shall be conducted within 30 days prior to ground disturbance. Preconstruction survey requirements include but are not limited to mapping of all dens, nests, and suitable habitat within the project site footprint and within a 250-foot radius of the project site, and the provision of written survey results to the USFWS within five working days after surveying. If sensitive species and/or occupied dens or nests, are identified in the survey area, the applicant shall consult with the USFWS and CDFW to establish a mitigation plan that meets the requirements established by the USFWS prior to or during ground disturbance. Ground disturbing activities shall not commence until the USFWS and CDFW verify that all required mitigation and avoidance measures identified in the mitigation plan have been properly implemented.*

Mitigation Measure BIO-2: *Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.*

Mitigation Measure BIO-3: *To prevent injury and mortality of giant garter snake, western pond turtle, and California tiger salamander, workers will cover open trenches and holes associated with implementation of covered activities that affect habitat for these species*

or design the trenches and holes with escape ramps that can be used during non-working hours. The construction contractor will inspect open trenches and holes prior to filling and contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.

Mitigation Measure BIO-4: Workers will minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.

Mitigation Measure BIO-5: All construction personnel will participate in a worker environmental training program approved/authorized by the Conservancy and administered by a qualified biologist. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating the FESA and NCCPA Permits. A pre-recorded video presentation by a qualified biologist shown to construction personnel may fulfill the training requirement.

Mitigation Measure BIO-6: Workers will direct all lights for nighttime lighting of project construction sites into the project construction area and minimize the lighting of natural habitat areas adjacent to the project construction area.

Mitigation Measure BIO-7: Project proponents should locate construction staging and other temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they will be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land).

Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following:

- Serpentine, valley oak woodland, alkali prairie, vernal pool complex, valley foothill riparian, and fresh emergent wetland land cover types.
- Occupied western burrowing owl burrows.
- Nest sites for covered bird species and all raptors, including noncovered raptors, during the breeding season.

Project proponents will follow specific AMMs for sensitive natural communities (Section 4.3.3, Sensitive Natural Communities) and covered species (Section 4.3.4, Covered Species) in temporary staging and work areas. For establishment of temporary work areas outside of the project footprint, project proponents will conduct surveys to determine

if any of the biological resources listed above are present. Within one year following removal of land cover, project proponents will restore temporary work and staging areas to a condition equal to or greater than the covered species habitat function of the affected habitat. Restoration of vegetation in temporary work and staging areas will use clean, native seed mixes approved by the Conservancy that are free of noxious plant species seeds.

Mitigation Measure BIO-8: *Project proponents will comply with stormwater management plans that regulate development as part of compliance with regulations under National Pollutant Discharge Elimination System (NPDES) permit requirements. Covered activities that result in any fill of waters or wetlands will also comply with requirements under Section 404 of the Clean Water Act, State Water Resources Control Board (State Board), Fish and Game Code Section 1602, and Regional Board regulations. Other than requirements for buffers, minimizing project footprint, and species-specific measures for wetland-dependent covered species, this HCP/NCCP does not include specific best management practices for protecting wetlands and waters because they may conflict with measures required by the USACE, State Board, Regional Board, and CDFW.*

Burrowing Owls

Mitigation Measure BIO-9A: *No less than 14 days prior to ground-disturbing activities covered under the Yolo HCP/NCCP, a preconstruction survey of the 7.81-acre development plan area shall be completed. The survey shall establish the presence or absence of western burrowing owl and/or habitat features, and evaluate use by owls in accordance with CDFW survey guidelines.*

An approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys will establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines.¹ On the parcel where the activity is proposed, the biologist will survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys will take place no more than 30 days prior to construction. During the breeding season (February 1—August 31), surveys will document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1—January 31), surveys will document

¹ Yolo County Final Habitat Conservation Plan/Natural Community Conservation Plan. Volume 1. Chapter 4 Application Process and Conditions on Covered Activities. Pg.4-28.

whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey is conducted. If burrowing owls and/or occupied burrows are identified in the survey area, Mitigation Measure 9B shall be implemented. If burrowing owls and/or occupied burrows are not discovered, then further mitigation is not necessary.

Mitigation Measure BIO-9B: *If burrowing owls are found during the breeding season (February 1 August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone consistent with Yolo HCP/NCCP Table 4-2, Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls, of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan, or as otherwise approved by the Conservancy and wildlife agencies.*

If burrows cannot be avoided, consistent with Table 4-2 of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan, a qualified biologist will conduct preconstruction surveys up within three days prior to ground disturbance to identify active burrows in the area of impact. Construction may occur inside the disturbance buffer if the project proponent develops an avoidance, minimization, and monitoring plan, as described in AMM18, Minimize Take and Adverse Effects on Habitat of Western Burrowing Owl (Section 4.3.4, Covered Species of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan). During the nonbreeding season (September 1 —January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance would include the establishment of a buffer zone (described below). During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur shall be established around each occupied burrow (nest site). If evidence of western burrowing owl is detected outside the breeding season (December 1 to January 31), the project proponent will establish a non-disturbance buffer around occupied burrows, consistent with Table 4-2 of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan, as determined by a qualified biologist. Construction activities within the disturbance buffer are allowed if the following criteria are met to prevent owls from abandoning important overwintering sites:

- A qualified biologist monitors the owls for at least three days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).*
- The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.*

- *If there is any change in owl roosting and foraging behavior as a result of construction activities, these activities will cease within the buffer.*
- *If the owls are gone for at least one week, the project proponent may request approval from the Conservancy, CDFW, and USFWS for a qualified biologist to excavate and collapse usable burrows to prevent owls from reoccupying the site if the burrow cannot be avoided by construction activities. The qualified biologist will install one-way doors for a 48-hour period prior to collapsing any potentially occupied burrows. After all usable burrows are excavated, the buffer will be removed and construction may continue.*

Monitoring must continue as described above for the nonbreeding season as long as the burrow remains active.

A qualified biologist will monitor the site, consistent with the requirements described above, to ensure that buffers are enforced and owls are not disturbed. Passive relocation (i.e., exclusion) of owls has been used in the past in the Plan Area to remove and exclude owls from active burrows during the nonbreeding season.² Exclusion and burrow closure will not be conducted during the breeding season for any occupied burrow. If the Conservancy determines that passive relocation is necessary, the project proponent will develop a burrowing owl exclusion plan in consultation with CDFW biologists. The methods will be designed as described in the species monitoring guidelines³ and consistent with the most up-to-date checklist of passive relocation techniques.⁴ This may include the installation of one-way doors in burrow entrances by a qualified biologist during the nonbreeding season. These doors will be in place for 48 hours and monitored twice daily to ensure that the owls have left the burrow, after which time the biologist will collapse the burrow to prevent reoccupation. Burrows will be excavated using hand tools. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure, such as piping, into the burrow to prevent collapsing until the entire burrow can be excavated and it can be determined that no owls are trapped inside the burrow. The Conservancy may allow other methods of passive or active relocation, based on best available science, if approved by the wildlife agencies. Artificial burrows will be constructed prior to exclusion and will be created less than 300 feet from the existing burrows on lands that are protected as part of the reserve system.

² Yolo County Final Habitat Conservation Plan/Natural Community Conservation Plan. Volume 1. Chapter 4 Application Process and Conditions on Covered Activities. Pg.4-30.

³ Yolo County Final Habitat Conservation Plan/Natural Community Conservation Plan. Volume 1. Chapter 4 Application Process and Conditions on Covered Activities. Pg.4-30.

⁴ The Conservancy will maintain a checklist of passive relocation techniques. The wildlife agencies will approve the initial list prepared by the Conservancy, and the Conservancy will update as needed in coordination with the wildlife agencies.

Covered Migratory Birds

Mitigation Measure BIO-10: *Prior to any ground disturbance a pre-construction survey for covered migratory birds shall be completed. This survey shall be conducted in the morning or evening hours within 15 days prior to any construction activities. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. Up to 20 Swainson's hawk nest trees (documented nesting within the last 5 years) may be removed during the permit term, but they must be removed when not occupied by Swainson's hawks.*

For covered activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee.⁵ If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

Mitigation Measure BIO-11: *Prior to issuance of building permits, the applicant shall submit an application for coverage under the Yolo HCP/NCCP for review and approval by the City of Davis and the Yolo Habitat Conservancy and pay necessary application fees and applicable land cover mitigation fees, consistent with the biological resources assessment prepared for the project, or as updated.*

CULTURAL RESOURCES

Mitigation Measure CUL-1: *Prior to grading permit issuance, the developer shall submit plans to the Community Development Department for review and approval which indicate*

⁵ Yolo County Final Habitat Conservation Plan/Natural Community Conservation Plan. Volume 1. Chapter 4 Application Process and Conditions on Covered Activities. Pg.4-27.

(via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Community Development Department of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery would not be allowed until the preceding work has occurred.

Mitigation Measure CUL-2: *Pursuant to California Health and Safety Code §7050.51, if human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet of the find and the Yolo County Coroner shall be contacted immediately. If the remains are determined to be Native American, then per California Public Resources Code §5097.98, the coroner shall notify the Native American Heritage Commission, who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinternment of the human remains and any associated artifacts. Additional work is not to take place within 100 feet of the find until the identified appropriate actions have been implemented.*

GEOLOGY AND SOILS

Mitigation Measure GEO-1: *If any paleontological resources are found during grading and construction activities, all work shall be halted immediately within a 100-foot radius of the discovery until a qualified paleontologist has evaluated the find.*

Work shall not continue at the discovery site until the paleontologist evaluates the find and makes a determination regarding the significance of the resource and identifies recommendations for conservation of the resource, including preserving in place or relocating within the project site, if feasible, or collecting the resource to the extent feasible and documenting the find with the University of California Museum of Paleontology.

TRANSPORTATION

Mitigation Measure TRT-1: *In conjunction with development of the proposed project, the project applicant shall implement CAPCOA Measure T-5, Implement Commute Trip Reduction Program – Voluntary. Compliance could include joining an established program such as Yolo Commute (<http://www.yolocommute.net>) as a trip reduction program. The City's Community Development Department must review and approve the proposed program.*

Mitigation Measure TRT-2: *In conjunction with development of the proposed project, the project applicant shall implement CAPCOA Measures T-10, Provide End-of-Trip Bicycle Facilities. The City’s Community Development Department shall identify the number of secure bike parking spaces required to ensure end-of-trip facilities are installed at a size proportional to the number of commuting bicyclists.*

TRIBAL CULTURAL RESOURCES

Mitigation Measure TRI-1: *Prior to the initiation of any excavation activities, the developer shall consult with the Yocha Dehe Wintun Nation to schedule cultural sensitivity training for all construction personnel through the contact information provided below. Proof of compliance shall be submitted to the City of Davis Department of Community Development and Sustainability.*

CRD Administrative Staff
Yocha Dehe Wintun Nation
Office: (530) 796-3400
Email: THPO@yochadehe-nsn.gov

Mitigation Measure TRI-2: *If cultural resources are discovered during project-related construction activities, all ground disturbances within a minimum of 50 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to the lead agency to either further investigate or mitigate adverse impacts. If the find is determined by the lead agency in consultation with the Native American tribe traditionally and culturally affiliated with the geographic area of the project site to be a tribal cultural resource and the discovered archaeological resource cannot be avoided, then applicable mitigation measures for the resource shall be discussed with the geographically affiliated tribe. Applicable mitigation measures that also take into account the cultural values and meaning of the discovered tribal cultural resource, including confidentiality if requested by the tribe, shall be completed (e.g., preservation in place, data recovery program pursuant to Public Resources Code §21083.2[i]). During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project site.*