

Yolo County
Department of Community Services



South Davis Library Project
Categorical Exemption Memorandum

September 2023

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A. INTRODUCTION AND SUMMARY

Yolo County is proposing to develop a new public library that will be operated by the Yolo County Library system within the City of Davis. Because the proposed library is within the Davis city limits, the analysis included herein relies on the City's General Plan, as applicable. In May 2001, the City of Davis adopted their General Plan,¹ as well as an associated Environmental Impact Report (EIR) for the updated General Plan.² The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq.*). The General Plan EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the assumed buildout of the General Plan.

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In response to that mandate, the Secretary of the Natural Resources Agency has found that several classes of projects listed in Article 19 do not have a significant effect on the environment and, thus, are declared to be categorically exempt from the requirement for the preparation of environmental documents.

The purpose of this Memorandum is to evaluate the South Davis Library Project (proposed project) to determine whether the proposed project is exempt from review under CEQA. As will be demonstrated below, the proposed project is determined to be exempt from CEQA, consistent with CEQA Guidelines Section 15332, In-Fill Development Projects. In addition, none of the exceptions to categorical exemptions specified by CEQA Guidelines Section 15300.2 are applicable to the proposed project.

B. PROJECT DESCRIPTION

The following provides a description of the project site's current location and setting, as well as the proposed project components and the necessary approvals required for the project.

Project Location and Setting

The 1.70-acre project site, identified by Assessor's Parcel Number (APN) 069-460-055, is located east of the intersection of Lillard Drive and Cowell Boulevard in the City of Davis, California, on the western portion of the existing grass sports field at Walnut Park (see Figure 1). Surrounding existing uses include duplex and single-family residences to the north, across Lillard Drive; Walnut Park and Marguerite Montgomery Elementary School to the east; a playground, bike path, and single-family residences to the south; and Walnut Park tennis courts, Peregrine School, and an apartment complex to the west (see Figure 2). The City of Davis General Plan designates the site as Parks/Recreation and the site is zoned Planned Development 12-87 (PD 12-87) with a subzone of Park.

Project Components

The proposed project would include the development of an 12,400 square foot (sf) public library, which would consist of a library collection and reading space; a children's activity room; a staff support area; a community room; and various support spaces (see Figure 3). Events at the library would be limited to public programs. The library would be single-story with a maximum building height of 24 feet.

¹ City of Davis. *2001 General Plan, City of Davis*. Adopted May 2001.

² City of Davis. *Draft program EIR for the City of Davis General Plan Update*. Adopted January 2000.

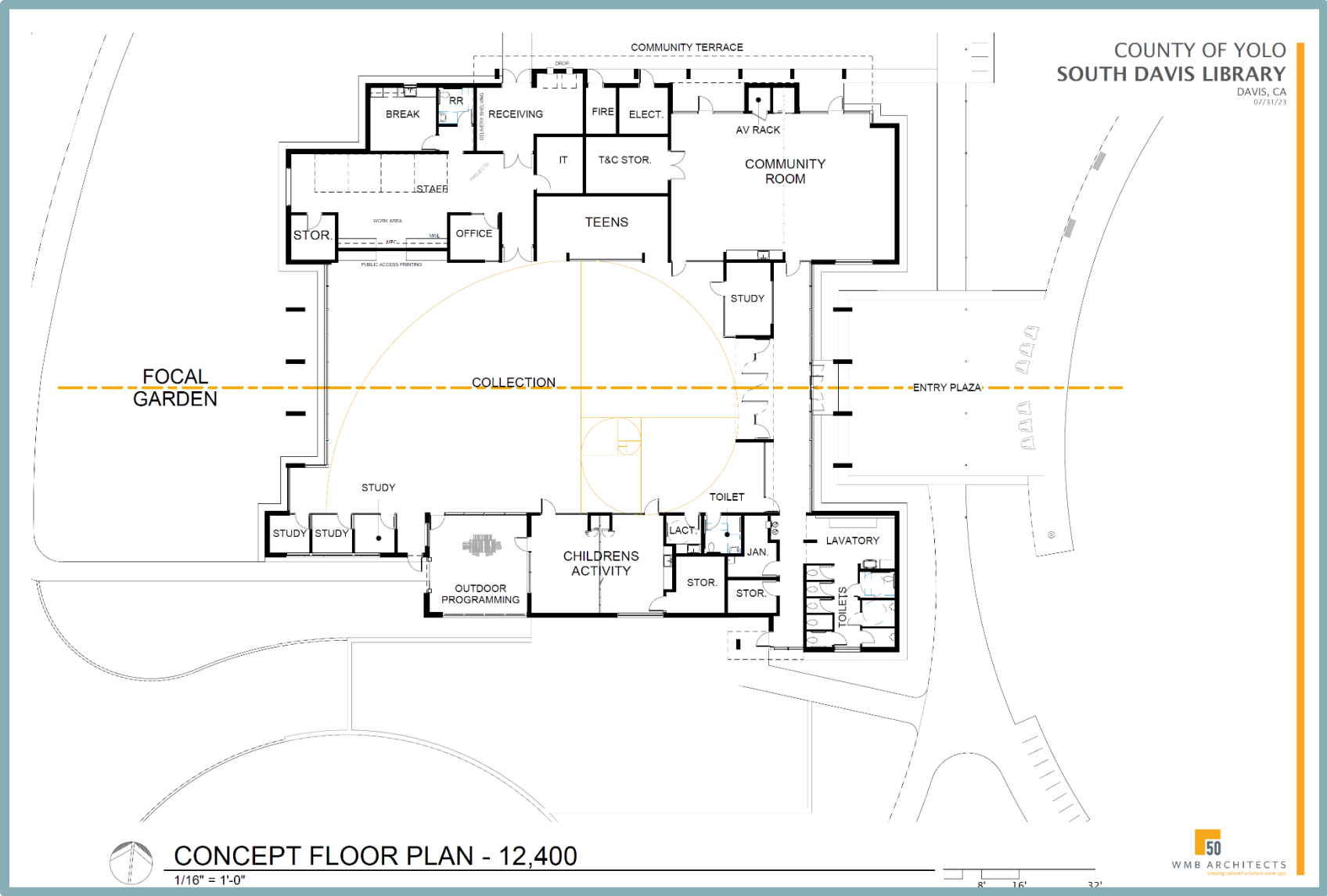
Figure 1
Regional Project Location



Figure 2
Project Vicinity Map



**Figure 3
Concept Floor Plan**



Access to the project site would be provided by a new driveway off Lillard Drive, which would connect to a new surface parking lot. The new parking lot would include 40 parking stalls, located in the northern portion of the project site, and would connect to the existing 65 stall Walnut Park parking lot. In addition, an accessible pedestrian path would connect the project site to the existing public sidewalk along Lillard Drive. The proposed project would also include an on-site covered bike storage area connected to the outdoor entry plaza, as well as a new bike path spur connecting Lillard Drive to the southern portion of the project site.

Landscaping would include trees surrounding the library building and parking lot (see Figure 4). Drought tolerant planting and bioswales would be placed in the northwest side of the project site and between the west side of the library building and the existing bike path.

Water and sewer service for the proposed development would be provided by the City through connections to existing pipelines within Lillard Drive. The proposed project would connect to an existing 10-inch water line, an existing 12-inch sanitary sewer line, and an existing 18-inch storm drain line in Lillard Drive.

Requested/Required Entitlements

The proposed project would require the County's approval of the following:

- Site Plan Approval

C. DISCUSSION

The following section contains substantial evidence showing that the proposed project is considered exempt from CEQA and is not subject to any of the exceptions set forth in Section 15300.2 of the CEQA Guidelines. As demonstrated in the analysis below, the proposed project qualifies for exemption under CEQA Guidelines Section 15332, Class 32, Categorical Exemption.

In-Fill Development Project Exemption

Article 19 of the CEQA Guidelines, Sections 15300 through 15333, includes a list of classes of projects that have been determined to not have a significant effect on the environment, and are therefore exempt from CEQA. Section 15332 of the CEQA Guidelines provides a categorical exemption for infill development projects that meet the following criteria:

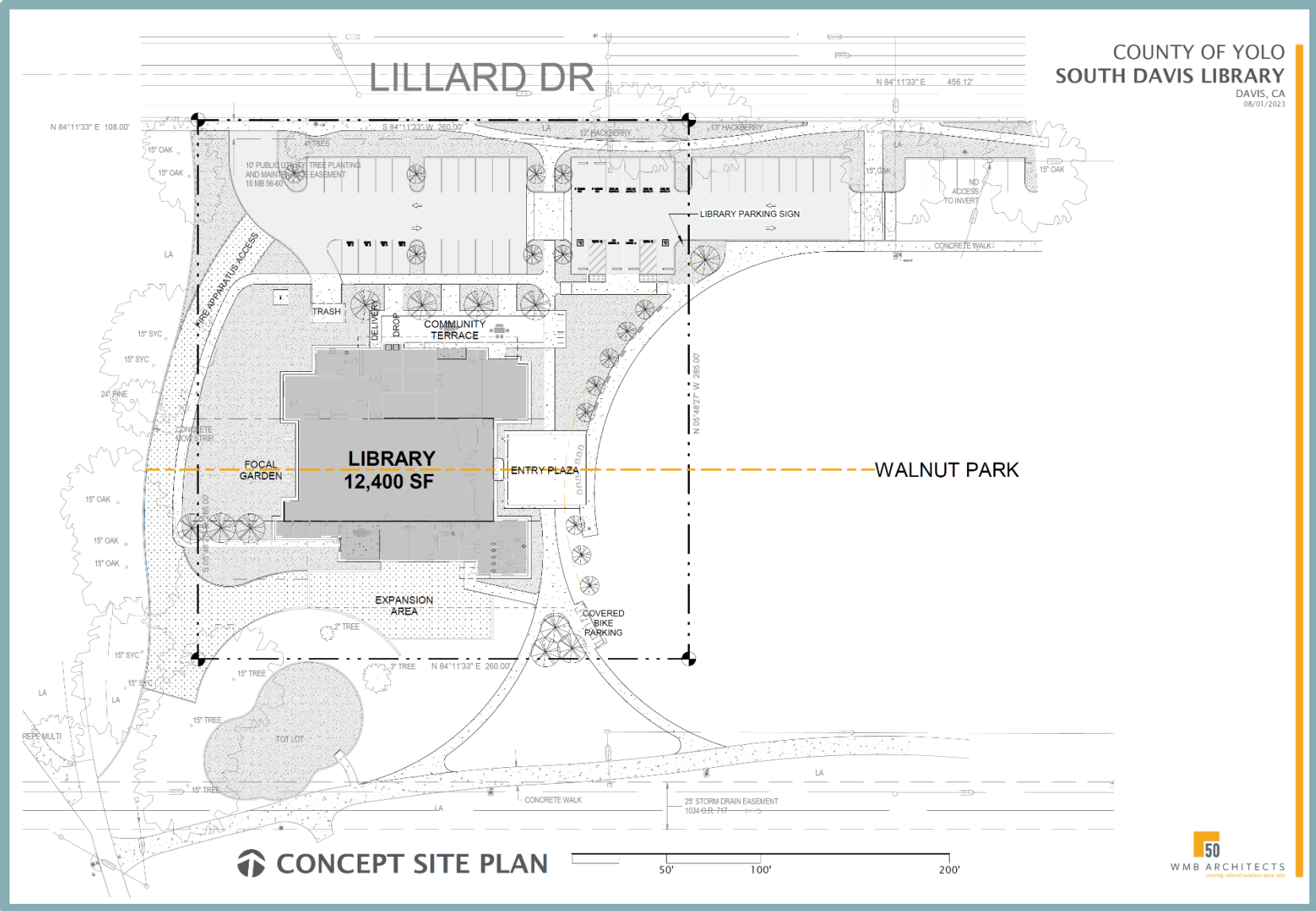
- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The applicability of the above criteria to the proposed project is described in the following sections.

Criterion 15332(a): General Plan and Zoning Consistency

The City of Davis General Plan designates the project site as Parks/Recreation and the site is zoned PD 12-87 with a subzone of Park.

Figure 4
Concept Site Plan



The City of Davis General Plan designation of Parks/Recreation allows libraries. The General Plan does not list specific policies regarding the Parks/Recreation land use type other than allowable uses. Therefore, the proposed project would comply with applicable General Plan policies adopted for the purpose of avoiding and/or mitigating adverse environmental effects. Similarly, pursuant to Section 27.01.010 of the City's Municipal Code, a library is considered park use, defined as a recreation center devoted to active or passive recreation.

With regard to zoning, pursuant to Section 40.22.010 of the City's Municipal Code, the purpose of the Planned Development zoning district is to allow diversification in the relationship of various buildings, structures, and open spaces in order to be relieved from the rigid standards of conventional zoning. The proposed project would be consistent with the Planned Development zoning designation and would comply with the development standards established for the district pursuant to Section 40.03.040 of the Municipal Code.

Based on the above, the proposed project meets Criterion 15332(a).

Criterion 15332(b): Project Location, Size, and Context

The project site consists of a 1.70-acre parcel (APN 069-460-055) located within the Davis city limits. The project site is located on an existing grass sports field at Walnut Park and is surrounded by urban uses. Thus, the proposed project meets Criterion 15332(b).

Criterion 15332(c): Endangered, Rare, or Threatened Species

Endangered, rare, or threatened species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal and State Endangered Species Acts. Both acts afford protection to listed and proposed species.

A query of the California Natural Diversity Database (CNDDDB) was conducted in August 2023 for the nine U.S. Geological Survey (USGS) topographic quadrangle project region to identify if any endangered, rare, or threatened species have the potential to exist within the project site. The intent of the database review was to identify documented occurrences of endangered, rare, or threatened species in the vicinity of the project area, to determine their locations relative to the project site, and to evaluate whether the site meets the habitat requirements of such species.

Based on the results of the CNDDDB search, the potential exists for five special-status wildlife species (western burrowing owl, white-tailed kite, Swainson's hawk, northern harrier, and the American badger) to occur within the project area. However, the project site is currently surrounded by existing development. In addition, the site is regularly mowed and subject to regular human activity associated with Walnut Park. Therefore, the site is not anticipated to support habitat for western burrowing owl, northern harrier, or American Badger. Additionally, all documented occurrences of the endangered, rare, or threatened species identified have occurred outside of the immediate project vicinity. Based on the limited habitat provided on-site and the developed nature of the project area, along with the previously recorded locations of endangered, rare, or threatened species occurrences in the project region, as specified in the CNDDDB search results, special-status species are not likely to occur on the project site. Therefore, special-status species are not anticipated to be impacted by the proposed project. However, the potential exists for nesting birds and raptors protected under Migratory Bird Treaty Act (MBTA) of 1918 to occur within the trees scattered along the western and northern boundaries of the site. Specifically, bird species identified in the CNDDDB results that have the potential to occur in the project region

include Swainson's hawk and white-tailed kite. Under the MBTA, destroying active nests, eggs, and young is illegal.

The project site is located within the boundaries of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) permit area. The HCP/NCCP was developed through a partnership between Yolo County, the cities of Davis, West Sacramento, Winters, and Woodland, effective January 2019. The Yolo HCP/NCCP is intended to provide Endangered Species permits and associated mitigation for infrastructure and development activities while accommodating for planned growth over the next 50 years in Yolo County. The HCP/NCCP provides a list of 12 covered species based on their potential to be affected by covered activities, their occurrence in the plan area, the adequacy of the data, and plan-specific factors. The proposed project is exempt from the requirements of the land cover fee requirement of the Yolo HCP/NCCP due to its size (less than 2 acres).

As such, in addition to the MBTA protection, Swainson's hawk and white-tailed kite are covered by the Yolo HCP/NCCP. Because the potential exists for Swainson's hawk and white-tailed kite to occur within the trees scattered along the western and northern boundaries of the site, pursuant to Yolo County Code of Ordinances Chapter 10-13, the project would be required to comply with all applicable Yolo HCP/NCCP Avoidance and Minimization Measures (AMMs), including AMM16, *Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite*. AMM16 requires pre-construction surveys be conducted during the period of March 15 through August 30 and prior to ground-disturbance activities to establish whether nests of Swainson's hawks and white-tailed kites are occupied. If nests are occupied, no construction activity may occur within 1,320 feet of active nests. With respect to operation and maintenance activity, if occupied nests sites are present within 1,320 feet, tree pruning and removal will be deferred until the nest is longer being used by adults and young.

The project site does not provide habitat for endangered, rare, or threatened species, but is located within a quarter mile of suitable habitat for Swainson's hawk and white-tailed kite triggering the need for preconstruction surveys to ensure the species are not impacted by any construction activities. Moreover, this section of the categorical exemption criteria focuses narrowly on whether the project site has value as habitat for endangered, rare, or threatened species. Thus, the relevant inquiry is not whether any endangered, rare, or threatened species could occur on-site due to the habitat types present, but, more specifically, whether on-site habitats provide value to endangered, rare, or threatened species. As stated above, the project site does not contain any valuable habitat for endangered, rare, or threatened species. Additionally, the USFWS Threatened and Endangered Species Active Critical Habitat Report does not list the project site as habitat for endangered, rare, or threatened species. Thus, the proposed project meets Criterion 15332(c).

Criterion 15332(d): Traffic, Noise, Air Quality, and Water Quality

The following sections present analysis regarding potential effects related to traffic, noise, air quality, and water quality resulting from implementation of the proposed project.

Traffic

Pursuant to the Governor's Office of Planning and Research (OPR), certain projects are presumed to have a less-than-significant effect on Vehicle Miles Travelled (VMT) due to project

size, project location, or project type.³ Specifically, according to OPR, local-serving uses may generally be presumed to have a less-than-significant VMT impact and can generally be screened from further VMT analysis. OPR based the presumption on substantial research demonstrating that adding local-serving uses typically improves destination accessibility to residents, often reducing trip distances because residents need to travel shorter distances than they previously did, as adding new local-serving uses typically shifts trips away from another use rather than adding entirely new trips to the region.

The OPR Technical Advisory notes that projects less than 50,000 sf can generally be considered local-serving. The proposed library would be approximately 12,400 sf. Thus, the project would be well below 50,000 sf, and, as a result, would be considered local-serving. In addition, given the nature of the proposed project and the residential and school uses located in the direct vicinity of the project site, a reasonable assumption can be made that the majority of patrons visiting the proposed project would be travelling from the immediately surrounding area. As such, the proposed project would be classified as local-serving, and, based on guidance provided by OPR, may be presumed to result in a less-than-significant VMT impact. Additionally, the land use designation for the site is consistent with the City of Davis General Plan, and therefore traffic impacts associated with the proposed project have been previously analyzed by the City.

With regard to the transit, bicycle, and pedestrian facilities, Unitrans Routes Q, P, and W provide transit opportunities within the project vicinity, including four bus stops along Lillard Drive within 1,000 feet of the project site. The proposed project would not result in substantial increases in transit demand, and any demand added to the transit system could be adequately accommodated by the existing/planned transit system. Additionally, the proposed project would not result in substantial modification or the removal of any existing or planned bicycle or pedestrian facilities or preclude the implementation of any proposed or existing off-street trails in the project vicinity of the project. As such, the proposed project would not conflict with a program plan, ordinance or policy addressing roadway, bicycle, and pedestrian facilities beyond what has been determined in the General Plan EIR.

Based on the above, the proposed project meets Criterion 15332(d) regarding traffic.

Noise

Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. Sensitive noise receptors in the vicinity of the project site include duplex and single-family residences to the north, single-family residences to the south, multi-family residences and Peregrine School to the west, and Marguerite Montgomery Elementary School to the east. The nearest sensitive receptors to the project site are the duplex residences immediately across Lillard Drive, approximately 60 feet from the project site.

During operation, the primary source of noise associated with the proposed project would be vehicle traffic noise generated on local roadways. In addition, the project has the potential to generate noise associated with operation of the proposed library.

³ Governor's Office of Planning and Research. *Technical Advisory on Evaluating Transportation Impacts In CEQA* [pg. 10]. Available at: https://www.opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf. Accessed July 2023.

Typical operational noise generated by the proposed project would be relatively minimal and compatible with the adjacent existing uses. In addition, the proposed project is anticipated to reduce the community noise exposure at the project site as the site is currently used as a sports field and would be converted to a public library upon approval of the proposed project. As such, operational activities associated with the proposed project would primarily be occurring indoors while existing on-site noise generating activities currently occur outside. Therefore, the proposed project is not anticipated to result in significant impact related to operational noise.

The proposed project is not anticipated to contribute a measurable operational noise level increase to the existing ambient noise environment at any sensitive receptor locations. Additionally, given that the project is consistent with the site's existing land use and zoning designations, traffic noise level increases associated with recreational development on the project site have been previously anticipated by the City. As such, the project would not result in traffic noise level increases beyond what has been analyzed in the General Plan EIR. Therefore, the proposed project is not anticipated to result in operational noise increases that would be considered to have the potential to result in significant effects on sensitive receptors in the project vicinity.

During construction, the project would result in short-term noise level increases in the project vicinity. However, construction activity would occur over a relatively short period of time and would be anticipated to occur during normal daytime hours, consistent with Chapter 24.02.040 of the Davis Municipal Code, which states that construction noise levels are exempt between the hours of 7:00 AM and 7:00 PM Monday through Friday and between the hours of 8:00 AM to 8:00 PM on Saturdays and Sundays if they meet at least one of the following noise limitations:

1. No individual piece of equipment shall produce a noise level exceeding eighty-three dBA at a distance of twenty-five feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty feet from the equipment as possible.
2. The noise level at any point outside of the property plane of the project shall not exceed eighty-six dBA.
3. The provisions of subdivisions (1) and (2) of this subsection shall not be applicable to impact tools and equipment; provided, that such impact tools and equipment shall have intake and exhaust mufflers recommended by manufacturers thereof and approved by the director of public works as best accomplishing maximum noise attenuation, and that pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof and approved by the director of public works as best accomplishing maximum noise attenuation. In the absence of manufacturer's recommendations, the director of public works may prescribe such means of accomplishing maximum noise attenuation as he or she may determine to be in the public interest. Construction projects located more than two hundred feet from existing homes may request a special use permit to begin work at 6:00 a.m. on weekdays from June 15th until September 1st. No percussion type tools (such as ramsets or jackhammers) can be used before 7:00 a.m. The permit shall be revoked if any noise complaint is received by the police department.
4. No individual powered blower shall produce a noise level exceeding seventy dBA measured at a distance of fifty feet.
5. No powered blower shall be operated within one hundred feet radius of another powered blower simultaneously.
6. On single-family residential property, the seventy dBA at fifty feet restriction shall not apply if operated for less than ten minutes per occurrence.

The proposed project would be required to comply with the standards listed above, which would ensure that construction noise levels at the nearest sensitive receptors would be minimized to the maximum extent feasible.

Based on the above, the proposed project meets Criterion 15332(d) regarding noise.

Air Quality

The project site is located within the Sacramento Valley Air Basin (SVAB) and is under the jurisdiction of the of the Yolo-Solano Air Quality Management District (YSAQMD). The federal Clean Air Act (CAA) and the California Clean Air Act (CCAA) require that federal and State ambient air quality standards (AAQS) be established, respectively, for six common air pollutants, known as criteria pollutants. The SVAB is designated nonattainment for the federal particulate matter 2.5 microns in diameter (PM_{2.5}) and the State particulate matter 10 microns in diameter (PM₁₀) standards, as well as for both the federal and State ozone standards.

The CAA requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The SIPs are modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies. Due to the nonattainment designations, YSAQMD, along with the other air districts in the SVAB region, periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the federal AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies.

General conformity requirements of the SIP include whether a project would cause or contribute to new violations of any federal AAQS, increase the frequency or severity of an existing violation of any federal AAQS, or delay timely attainment of any federal AAQS. In addition, a project would be considered to conflict with, or obstruct implementation of, an applicable air quality plan if the project would be inconsistent with the emissions inventories contained in the air quality plan. Emission inventories are developed based on projected increases in population, employment, regional VMT, and associated area sources within the region, which are based on regional projections that are, in turn, based on General Plans and zoning designations for the region.

Due to the nonattainment designations of the area, YSAQMD has developed plans to attain the State and federal standards for ozone and particulate matter. The plans include the 2013 Ozone Attainment Plan, the PM_{2.5} Implementation/Maintenance Plan, and the 2012 Triennial Assessment and Plan Update. Adopted YSAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans. Thus, by exceeding the YSAQMD's mass emission thresholds for operational or construction emissions of reactive organic gas (ROG), nitrogen oxide (NO_x), or PM₁₀, a project would be considered to conflict with or obstruct implementation of the YSAQMD's air quality planning efforts. The YSAQMD mass emission thresholds for operational and construction emissions are shown in Table 1 below.

The YSAQMD provides screening criteria to assess a project's potential to exceed the applicable thresholds for ROG, NO_x, and PM₁₀ in Table 2 of the YSAQMD's *Handbook for Assessing and Mitigating Air Quality Impacts*. Table 2 of the handbook provides the square footage at which various commercial projects could be assumed to exceed the YSAQMD's applicable thresholds. The handbook does not provide screening criteria for a library; however, the smallest square footage listed is for a government office building measuring 75,000 sf. The proposed library would

be approximately 12,400 sf, which is well below the smallest square footage listed for commercial uses in the YSAQMD’s screening criteria. Additionally, daily trips associated with a library are expected to be less as compared to a traditional commercial use. Thus, due to the size of the proposed project, construction and operations of the proposed project are not anticipated to generate emissions in excess of the YSAQMD’s thresholds of significance.

Table 1 YSAQMD Thresholds of Significance		
Pollutant	Construction Thresholds	Operational Thresholds
ROG	10 tons/yr	10 tons/yr
NO _x	10 tons/yr	10 tons/yr
PM ₁₀	80 lbs/day	80 lbs/day

Source: YSAQMD. Handbook for Assessing and Mitigating Air Quality Impacts. July 11, 2007.

With regard to GHG emissions, the YSAQMD has not yet established or adopted methodology or thresholds for the assessment of impacts related to GHG emissions. However, construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. Furthermore, construction activities associated with the proposed project would be minor and would not result in substantial emissions. Therefore, construction-related GHG emissions do not require quantification.

In the absence of District-adopted methodology or thresholds for assessing operational GHG emissions, the YSAQMD is currently recommending GHG analysis consistent with the Sacramento Metropolitan Air Quality Management District (SMAQMD) adopted thresholds of significance. SMAQMD has also developed screening criteria to aid in determining if operational emissions from development projects would exceed the SMAQMD thresholds of significance. The screening criteria provides a conservative indication of whether a development project could result in potentially significant impacts. According to SMAQMD, if a project is below the screening level identified for the applicable land use type, GHG emissions from the operation of the project would have a less-than-significant impact. Similar to YSAQMD, SMAQMD does not provide screening criteria for library uses. Therefore, the screening criterion for operational GHG emissions associated with a government office building was used for the purposes of this analysis. Accordingly, the applicable GHG screening criteria is 20,000 sf.⁴ The proposed library would be approximately 12,400 sf, and therefore, would be below the operational GHG screening criteria. As a result, the proposed project would not generate GHG emissions in excess of the SMAQMD’s thresholds of significance.

Based on the above, the proposed project meets Criterion 15332(d) regarding air quality.

Water Quality

Water quality degradation is regulated by the Federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and non-point discharges. In California, the NPDES permitting program is administered by the State Water Resources Control Board (SWRCB) through nine Regional Water Quality Control Boards (RWQCBs). Chapter 30.03.010 of City of Davis Municipal Code adopts by reference the standards of the State of California’s NPDES General Permit for Stormwater Discharges Associated with Construction Activity. New

⁴ Sacramento Metropolitan Air Quality Management District. *SMAQMD Operational Screening Levels*. April 2018.

development within the City that disturbs one or more acres of land is required to comply with the NPDES General Construction Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) incorporating Best Management Practices (BMPs) to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The proposed project would disturb approximately 1.70-acres, and, thus, would be subject to the State NPDES General Permit conditions and would be required to prepare a SWPPP. As part of compliance with said permit, the applicant would be required by the State to obtain a General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to pollution from grading and project construction. Compliance with the Permit requires the applicant to file a Notice of Intent (NOI) with the SWRCB and prepare a SWPPP prior to construction. The SWPPP would incorporate BMPs in order to prevent, or reduce to the greatest feasible extent, adverse impacts to water quality from point sources and erosion and sedimentation. With implementation of the required SWPPP and BMPs included therein, the proposed project would not result in a violation of water quality standards and/or degradation of water quality.

Furthermore, the County would be required to submit and implement an erosion and sediment control plan prior to issuance of a grading or building permit pursuant to Municipal Code Section 30.03.010(c). The plan would include erosion and sediment control measures that would be implemented during grading and would be approved by the City Engineer. Given the required submittal and approval of a SWPPP and erosion and sediment control plan, the proposed project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality during construction.

The proposed project would be subject to all regional and local water quality regulations. Permanent stormwater quality treatment control measures (TCMs) for development in the City of Davis must be designed in accordance with the State's Phase II Small MS4 General Permit, the development standards of which have been adopted by reference in Chapter 30.03.030 of the City of Davis Municipal Code. The Phase II Small MS4 General Permit requires that permanent stormwater control measures be incorporated into the proposed project to ensure that new development does not result in the discharge of polluted water or the increase in sources of polluted runoff. Regulated Projects, under the Phase II Small MS4 General Permit, are required to divide the project area into Drainage Management Areas (DMAs) and implement and direct water to appropriately-sized TCMs consistent with the sizing standards in Section E.12.e.(ii)(c). TCMs are designed after the inclusion of Site Design Measures (SDMs) consistent with the standards of Section E.12.b. and E.12.e.(ii)(d). Baseline Hydromodification Measures are implemented consistent with the prescriptive standards of Section E.12.e.(ii)(f) only in the event the project develops more impervious surfacing than the existing project and creates or replaces less than one acre of impervious surfacing. Because the proposed project would replace more than one acre of impervious surfacing, each DMA must be shown via calculations that all stormwater is treated consistent with the standards of Section E.12.e.(ii)(c) and detained consistent with Section E.12.f. Regulated Projects must additionally include Source Control BMPs where possible. The City requires preliminary Stormwater Quality Plans at the discretionary phase to ensure that DMAs, TCMs, and hydromodification measures are adequately designed into the conceptual development plan, demonstrating full compliance of the project's drainage system with the Phase II Small MS4 General Permit.

Based on the above, the proposed project would not result in any significant effects related to water quality; thus, the project would meet Criterion 15332(d).

Criterion 15332(a): Utilities and Public Services

Water and sewer service for the proposed development would be provided by the City through new connections to existing infrastructure within Lillard Drive. The proposed project would connect to an existing 10-inch water line, an existing 12-inch sanitary sewer line, and an existing 18-inch storm drain line in Lillard Drive. Given the presence of existing utilities in the immediate project vicinity, the proposed project would not require substantial off-site utility improvements. In addition, the proposed project is consistent with the site's current General Plan land use and zoning designations and a 12,400 sf library would have minimal water and sewer use; therefore, increases in demand on existing utilities associated with the project have been previously anticipated in the General Plan and accounted for in local planning efforts. Thus, the site would be adequately served by all required utilities and public services.

Exceptions to Categorical Exemptions analysis

Even if a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. Exceptions to a categorical exemption apply in the following circumstances:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The following analysis addresses whether any of the exceptions to the CEQA exemption apply to the proposed project.

Criterion 15300.2(a): Location

CEQA exemptions 3, 4, 5, 6, or 11, are qualified by consideration of where the project is to be located. Given that the proposed project qualifies for exemption under CEQA Guidelines Section 15332, Class 32, an exception to the exemption under CEQA Guidelines Section 15300.2(a) does not apply to the proposed project.

Criterion 15300.2(b): Cumulative Impact

Pursuant to CEQA Section 15300.2(b), in applying this exception, the cumulative impact must result from “successive projects of the same type in the same place.” Both the “same type” and

“same place” limitations restrict the scope of this exception.⁵ The project site is located within a developed area of the city and is surrounded by residential, recreational, and public/quasi-public uses. The City of Davis designates the site as Parks/Recreation, which allows libraries. The project site is zoned as Planned Development 12-87 (PD 12-87) with a subzone of Park.

Because the proposed project is consistent with the project site’s General Plan land use and zoning designations, cumulative impacts associated with buildout of the project site have been previously anticipated by the City and analyzed in the General Plan EIR. As discussed above, the project would not require substantial off-site utility upsizing or other related improvements with the potential to result in cumulatively considerable impacts. Thus, the project does not include any unique features that would result in new or more severe cumulative impacts beyond what has been analyzed in the General Plan EIR, and an exception to the exemption pursuant to CEQA Guidelines Section 15300.2(b) does not apply to the proposed project.

Criterion 15300.2(c): Significant Effect

In listing a class of projects as exempt, the Secretary has determined that the environmental changes typically associated with projects in that class are not significant effects within the meaning of CEQA, even though an argument might be made that they are potentially significant. The plain language of *Guidelines Section 15300.2, subdivision (c)*, requires that a potentially significant effect must be “due to unusual circumstances” for the exception to apply.

The determination as to whether there are “unusual circumstances” (*Guidelines, § 15300.2, subd. (c)*) is reviewed under PRC *Section 21168.5*’s substantial evidence prong. Whether a particular project presents circumstances that are unusual for projects in an exempt class is an essentially factual inquiry. As to this question, the lead agency serves as “the finder of fact.”

As the courts have noted, local conditions are relevant in determining whether the environmental effects of a proposed project are unusual or typical. In general, the project site does not contain any unique or unusual features with the potential to result in a potentially significant effect. For example, the project site does not include any aquatic features, and as discussed further below, is not included on any lists of hazardous waste sites. Thus, an exception to the exemption under CEQA Guidelines Section 15300.2(c) does not apply to the proposed project.

Criterion 15300.2(d): Scenic Highway

According to the California Department of Transportation (Caltrans) Scenic Highway Mapping System, officially designated State or County scenic highways do not occur in the project vicinity.⁶ Thus, an exception to the exemption under CEQA Guidelines Section 15300.2(d) does not apply to the proposed project.

Criterion 15300.2(e): Hazardous Waste Sites

Pursuant to CEQA Guidelines Section 15300.2(e), a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The California Environmental Protection Agency provides a list of data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements, pursuant to Government Code 65962.5. The project site is not

⁵ Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition* [pg. 5-68]. March 2019 Update.

⁶ California Department of Transportation. *Scenic Highways*. Available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed July 2023.

located on the Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances Site List, which is a component of the Cortese List.⁷ The other components of the Cortese List include the list of leaking underground storage tank sites from the SWRCB's GeoTracker database, the list of solid waste disposal sites identified by the SWRCB, and the list of active Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO) from the SWRCB. The project site is not located on any of the aforementioned components of the Cortese List.⁸ Thus, the project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and an exception to the exemption under CEQA Guidelines Section 15300.2(e) does not apply to the proposed project.

Criterion 15300.2(f): Historical Resources

Historical resources are features that are associated with the lives of historically important persons and/or historically significant events, that embody the distinctive characteristics of a type, period, region or method of construction, or that have yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation. Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics. The City of Davis has a list of Designated Historic Resources, defined as a building or object with historical value to the citizens of Davis as designated by the City Council pursuant to Article 40.23 of the Municipal Code.⁹ Currently, the project site is used as a grass sports field associated with Walnut Park, and does not contain any structures which could be considered historical resources pursuant to Section 15064.5 of the CEQA Guidelines.

A records search of the California Historic Resources Information System (CHRIS) was performed by the Northwest Information Center (NWIC) for historical resource site records and survey reports within the project area.¹⁰ Based on the results of the records search of the CHRIS, a previous cultural resources study has been conducted in the project area, which included the entirety of the project site. The project site area does not contain recorded archaeological resources, and the State Office of Historic Preservation Built Environment Resource Directory (OHP BERD) does not list recorded buildings or structures within or adjacent to the project site. In addition, while archeological resources have a moderate to high potential to be present within the project site, the site has been previously disturbed during development of Walnut Park, and is currently subject to high levels of human disturbance associated with visitors of the park.

Therefore, the proposed project would not result in a substantial adverse change in the significance of a historical resource, and an exception to the exemption under CEQA Guidelines Section 15300.2(f) does not apply to the proposed project.

D. CONCLUSION

This Memorandum demonstrates that the proposed project is considered exempt from CEQA under CEQA Guidelines Section 15332, and does not meet any of the exceptions to categorical exemptions set forth in Section 15300.2 of the CEQA Guidelines.

⁷ California Department of Toxic Substances Control. *Hazardous Waste and Substances List (Cortese)*. Available at: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORT ESE%29. Accessed July 2023.

⁸ CalEPA. *Cortese List Data Resources*. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed August 2023.

⁹ City of Davis. *City of Davis Designated Historical Resources: The Davis Register*. March 23, 2010

¹⁰ California Historical Resources Information System. *Record search results for the proposed South Davis Library Project*. August 7, 2023.