

3 ENVIRONMENTAL CHECKLIST FOR SUPPLEMENTAL ENVIRONMENTAL REVIEW

3.1 EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

The purpose of this checklist is to evaluate the categories in terms of any “changed condition” (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in environmental impact significance conclusions different from those found in the Nishi Gateway Project EIR; in particular, this analysis focuses on whether any modifications to the proposed project would result in new significant impacts or more severe significant impacts than those identified in the certified EIR. The row titles of the checklist include the full range of environmental topics, as presented in Appendix G of the State CEQA Guidelines. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to CEQA Section 21166 and State CEQA Guidelines Section 15162. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, rather, a “no” answer means that there is no change in the significance of the impact—including with previously adopted mitigation measures— compared to the conclusions in the Nishi Gateway EIR. The purpose of each column of the checklist is described below.

Where Impact was Analyzed

This column provides a cross-reference to the pages of the Nishi Gateway Draft and Final EIR where information and analysis may be found relative to the environmental issue listed under each topic.

Any new Circumstances Involving New or Substantially More Severe Significant Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (circumstances under which the project is undertaken) that have occurred subsequent to the prior environmental documents, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental documents or having substantial increases in the severity of previously identified significant impacts.

Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete is available, requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigation measures remain valid. If the new information shows that: (A) the project will have one or more significant effects not discussed in the prior environmental documents; or (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the Mitigation Measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the Mitigation Measure or alternative, the question would be answered “yes” requiring the preparation of a subsequent EIR or supplement to the EIR. However, if the additional analysis completed as part of this Environmental Checklist Review finds that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified significant environmental impacts are not found to be substantially more severe, the question would be answered “no” and no additional EIR documentation (supplement to the EIR or subsequent EIR) would be required.

Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions

This column restates the conclusions of the certified Nishi Gateway EIR and the conclusion for the proposed Nishi Residential Development Project.

3.2 DISCUSSION AND MITIGATION SECTIONS

Discussion

A discussion of the elements of the checklist is provided under each environmental category to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

Mitigation Measures

Applicable mitigation measures from the Nishi Gateway EIR that would apply to the Residential Development Project are listed under each environmental category.

Conclusions

A discussion of the conclusion relating to the need for additional environmental documentation is contained in each section.

3.3 CONCLUSION

As evidenced in the following discussions included in the Environmental Checklist, none of the changes or revisions to the project or changes in circumstances (including environmental setting and regulatory setting) would result in new or substantially more severe environmental impacts. In addition, no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An Addendum to the certified Nishi Gateway EIR is the appropriate CEQA document for the Nishi Residential Development Project, consistent with CEQA Section 21166 and State CEQA Guidelines Sections 15162, 15163, 15164, and 15168.

4 ENVIRONMENTAL CHECKLIST

4.1 AESTHETICS

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
1. Aesthetics. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	Draft EIR p. 4.1-9 No Impact	No	No	No Impact (same)
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Draft EIR p. 4.1-9 No Impact	No	No	No Impact (same)
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	Draft EIR Setting pp. 4.1-1 to 4.1-6 Impact 4.1-1	No	No	Less than significant (same)
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Draft EIR Setting pp. 4.1-6 to 4.1-8 Impact 4.1-2	No	No	Less than significant with mitigation (same)

4.1.1 Discussion

No substantial change in the environmental and regulatory settings related to aesthetics, described in the Nishi Gateway Draft EIR Section 4.1, Aesthetics and Visual Resources, has occurred since certification of the EIR in February 2016.

a) Have a substantial adverse effect on a scenic vista?

As described in the Nishi Gateway Draft EIR Section 4.1, Aesthetics and Visual Resources, there are no scenic vistas in the vicinity of the project site, and the City of Davis has no officially designated scenic highways, corridors, vistas, or viewing areas. The EIR concluded no impact would occur.

The proposed project would result in construction in the same location as the previous Nishi Gateway project. Therefore, **no impact** would occur under the Nishi Residential Development Project related to a scenic vista. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

As described on the 2015 Nishi Gateway Draft EIR page 4.1-9, the City of Davis has no officially designated scenic highways, corridors, vistas, or viewing areas. The EIR concluded no impact would occur.

The proposed project would result in construction in the same location as the previous Nishi Gateway project. Therefore, **no impact** would occur under the Nishi Residential Development Project. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Impact 4.1-1 of the Nishi Gateway EIR describes permanent changes to the visual character of the project site from development. Since certification of the EIR in February 2016, the Manetti Shrem Museum of Art that was previously under construction has been completed and is open to the public. The Nishi Gateway Draft EIR concluded that development of the Nishi Gateway Project would change the existing visual character of the project site; however, these changes would not degrade the visual quality of the site or the surrounding areas, and this was identified as a less-than-significant impact.

The proposed Nishi Residential Development project would be located in several multi-story buildings primarily located near UC Davis on the northwestern portion of the project site. The project would be located on the same Nishi site as analyzed in the 2015 Draft EIR. The previous project included condominium units up to five stories on top of ground-level parking, rental unit structures up to five stories with ground-level parking, research and development buildings up to three stories, and accessory retail development. The proposed Nishi Residential Development Project would construct up to 37 buildings with for-rent units, two to three stories in height. The proposed project would also include a commercial structure near Interstate 80 (I-80) between the satellite parking and public/open space areas, on-site stormwater detention, open spaces, and surface/structure parking with solar panels, similar to the Nishi Gateway Project. The research and development buildings would not be constructed. As explained in the project description, the height of the buildings under the proposed project would be less than those analyzed for the Nishi Gateway Project. The height of the buildings would not exceed the heights analyzed in the 2015 EIR. Similar to the previous project, the extensive use of open space, parks, greenways, and open space buffers around the perimeter of the Nishi site would partially shield views of the interior areas of the site from surrounding viewsheds. By visually separating the new development from existing adjacent developments and I-80, the Nishi site would minimize changes to the visual character and quality of surrounding sites. Therefore, implementation of the proposed project would not substantially degrade the visual character or quality of the plan area or its surroundings. This would be a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

As identified in Impact 4.1-2 in the 2015 Draft EIR, development of the Nishi site would increase the level of lighting on the project site. The EIR explained that the project would include indoor lighting and outdoor lighting and solar panels, which could contribute additional light and glare, respectively, to the surrounding area. New sources of night lighting would be similar in scale and intensity to surrounding development. The majority of solar panels at the Nishi site would be installed on building rooftops and above the line of sight of motorists and the built environment. However, depending on the angle of proposed solar panels within on-site surface parking lots motorists along I-80 could experience glare conditions, resulting in a potentially significant impact.

The proposed Nishi Residential Development Project would result in construction in the same location as the previous Nishi Gateway project and would include indoor lighting, outdoor lighting, and solar panels. Implementation of Mitigation Measure 4.1-2 requires the applicant to ensure that on-site solar facilities do not result in glare for motorists along I-80, thereby preventing glare impacts to nearby receptors. As a result, this impact would be reduced to a **less-than-significant** level after mitigation. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measures were analyzed in the Nishi Gateway EIR and adopted by the City Council and would be implemented if the proposed project were approved.

- ▲ **Mitigation Measure 4.1-2:** Within the proposed surface parking lots, the applicant shall select and install solar panels that minimize reflective surfaces, either through glazing or use of non-reflective materials.

All surface parking solar facilities shall be installed such that the angle of solar panels does not direct glare at motorists along I-80. The applicant shall prepare a technical report verifying the selected angle and material of the solar panels for review and approval by the City before installation.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Aesthetics impacts would be similar to those discussed in the 2015 Draft EIR, and previously adopted Mitigation Measure 4.1-2 would reduce potential impacts related to glare to a less-than-significant level. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts related to aesthetics.

4.2 AGRICULTURE AND FOREST RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
2. Agriculture and Forestry Resources. Would the project:				
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 Program of the California Resources Agency, to non-agricultural use?	Draft EIR Setting pp. 4.2-1 to 4.2-3 Impact 4.2-1 FEIR page 3-2	No	No	Significant and unavoidable (same)
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Draft EIR Setting pp. 4.2-1 to 4.2-7 Impact 4.2-2	No	No	Significant and unavoidable (same)
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	Draft EIR p. 4.2-7 No Impact	No	No	No Impact (same)
d. Result in the loss of forest land or conversion of forest land to non-forest land?	Draft EIR p. 4.2-7 No Impact	No	No	No Impact (same)
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Draft EIR Setting pp. 4.2-1 to 4.2-3 Impacts 4.2-1 and 4.2-2	No	No	Significant and unavoidable (same)

4.2.1 Discussion and Conclusion

No substantial change in the environmental and regulatory settings related to agricultural and forestry resources, described in the Nishi Gateway Draft EIR Section 4.2, Agriculture and Forest Resources, has occurred since certification of the EIR in February 2016.

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 Program of the California Resources Agency, to non-agricultural use?

The 2015 Draft EIR explained that the Nishi Gateway project would convert agricultural land that is considered to be of high agricultural importance to urban uses. Additionally, decommissioning the well on the Nishi site could result in direct effects on agricultural operations south of I-80 because the irrigation supply would be eliminated. The EIR concluded that this would result in a significant impact related to the conversion of important farmland to non-agricultural use.

The proposed Nishi Residential Development Project would result in construction in the same location as the previous Nishi Gateway project and would result in the same impacts to important farmland. Implementation of previously adopted Mitigation Measure 4.2-1 (reproduced below) would reduce the magnitude of this

impact but not to a less-than-significant level, because development on the project site would result in a net loss of high-value agricultural land, even with adherence to City Municipal Code Section 40A.03 and the required 2:1 purchase and preservation of agricultural land. This impact would remain **significant and unavoidable**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

As described in the Nishi Gateway Draft EIR Section 4.2, Agriculture and Forest Resources, there are no existing Williamson Act contracts on the project site or adjacent properties. Therefore, no impact would occur related to Williamson Act contracts.

As explained on page 4.2-9 of the 2015 Draft EIR, the Nishi site is within the City of Davis' Sphere of Influence and currently zoned for agricultural use by Yolo County. Development of the project site would result in the conversion of active agricultural land to urban uses, and this was determined to be a significant impact.

As part of the project approvals required for implementation of the Nishi Residential Development Project, the zoning of the site would be changed from County Agriculture-Intensive (A-N) to City Planned Development (P-D) for multifamily residential and ancillary uses. This zoning designation allows for project-specific regulations to enable a diverse mix of non-agricultural uses. As explained in Impact 4.2-2, the project would be subject to City Municipal Code Article 40A.03, which requires the purchase of compensatory lands equal or greater to a ratio of two acres of protected agricultural land for each acre converted from agricultural land to nonagricultural land. Therefore, through regulatory compliance, the applicant would obtain remainder land mitigation, the location and configuration of which must be approved by the City Council. In lieu of conserving land, up to 50 percent of the remainder requirement may be satisfied by payment of a fee. Compensatory lands may be located anywhere within the City Planning Area, subject to approval by the City Council, with a credit factor based on location of the mitigation property. Nonetheless, the project would result in the net loss of agricultural land associated with the conversion of on-site agricultural uses to urban uses. This would be a significant impact. No mitigation is available to reduce the magnitude of this impact and it would remain **significant and unavoidable**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

As described in the Nishi Gateway Draft EIR Section 4.2, Agriculture and Forest Resources, the project site and surrounding land uses are not forest or timber-production lands, and there are no forestry resources that could be affected by project implementation. The EIR concluded that no impact would occur.

The proposed Nishi Residential Development Project would result in construction in the same location as the previous Nishi Gateway project. Therefore, **no impact** would occur related to conflict with forest land, timberland, or timberland zoned Timberland Production. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

d) Result in the loss of forest land or conversion of forest land to non-forest land?

See the analysis under item c) above. **No impact** would occur related to the loss of forest or conversion of forest land to non-forest land. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

See the discussion above under item b). The project would result in the net loss of agricultural land associated with the conversion of on-site agricultural uses to urban uses. This would be a significant impact. No mitigation is available to reduce the magnitude of this impact and it would remain **significant and unavoidable**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measure was analyzed in the Nishi Gateway EIR and adopted by the City Council, and would be implemented if the project were approved.

Mitigation Measure 4.2-1: Prior to removal of the existing well on the Nishi site, the applicant shall install an alternative potable water source (i.e. a new groundwater well) south of I-80, proximate to and with a direct connection to the existing farmland associated with the existing well at the Nishi site, as allowed by the current Grant Deed for the Nishi site. The replacement well shall have the capacity to provide the same amount and quality of water to the farmland as the existing well. The applicant shall be responsible for procurement of all permits and well installation.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts to agriculture and forestry resources.

4.3 AIR QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
3. Air Quality. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	Draft EIR Setting pp. 4.3-1 to 4.3-16 Impact 4.3-7 FEIR page 3-3	No	No	Less than significant (same)
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Draft EIR Setting pp. 4.3-1 to 4.3-16 Impacts 4.3-1, 4.3-2, and 4.3-3	No	No	Less than significant (construction and operational CO) (same) Less than significant with mitigation (operational emissions of ROG, NO _x , PM ₁₀ , and PM _{2.5}) (same)
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Draft EIR Setting pp. 4.3-1 to 4.3-16 Impact 4.3-2 (FEIR page 3-3)	No	No	Less than significant with mitigation (same)
d. Expose sensitive receptors to substantial pollutant concentrations?	Draft EIR Setting pp. 4.3-1 to 4.3-16 Impacts 4.3-4 and 4.3-5	No	No	Less than significant (Construction) (same) Significant and unavoidable (Operational) (Nishi Gateway No Impact (Operational) (Residential Development)
e. Create objectionable odors affecting a substantial number of people?	Draft EIR Setting p. 4.3-11 Impact 4.3-6	No	No	Less than significant (same)

4.3.1 Discussion

Since certification of the EIR in 2016, information has been provided to City of Davis staff and decision-makers regarding ongoing research on ultrafine particulates (UFP). The EIR acknowledged that the site was exposed to UFP and included mitigation measures to reduce the magnitude of the impact. The EIR concluded that, because the level of effectiveness of the measures cannot be quantified, and given the lack of information on “safe levels of exposure”, the impact would be significant and unavoidable. See DEIR Impact 4.3-5 and the accompanying discussion, as well as FEIR response to comments to Letter I3. The research, submitted by the author of comment letter I3, reinforces the concerns regarding UFPs and health, does not include new health exposure thresholds, and therefore does not alter the conclusions of the Nishi Gateway EIR.

In addition, since preparation of the Draft EIR in 2015, a California Supreme Court decision has resulted in changes to CEQA with regard to the effects of existing environmental conditions on a project's future users or residents. The effects of the environment on a project are generally outside the scope of CEQA unless the project would exacerbate these conditions, as concluded by the California Supreme Court (see *California Building Industry Association v. Bay Area Air Quality Management District* [2015] 62 Cal.4th 369, 377 ["we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users."])). Changes to the CEQA Guidelines to reflect this decision are in process by the State, but have not been adopted. As noted in the Bay Area Air Quality Management District's revised CEQA thresholds of significance, local agencies are not precluded from considering the impact of locating new development in areas subject to existing environmental hazards; however, CEQA cannot be used by a lead agency to require a developer or other agency to obtain an EIR or implement mitigation measures solely because the occupants or users of a new project would be subjected to the level of emissions specified. The previous impact identified in the 2015 EIR regarding future land use compatibility with off-site sources of toxic air contaminants and UFPs (see the discussion below under checklist item d) would fall into the category of impacts of "existing environmental conditions on a project's future users or residents." However, a discussion of this issue is included herein for disclosure purposes. See the discussion below under checklist Section 4.7 for a discussion of regulatory changes related to greenhouse gas emissions.

a) Conflict with or obstruct implementation of the applicable air quality plan?

The City of Davis General Plan includes policies to protect environmental resources, including air quality. The discussion included in Impact 4.3-7 in the 2015 Draft EIR explained that development of the Nishi site as part of the project would not conflict with any local policies or ordinances protecting air quality.

The proposed Nishi Residential Development Project would be constructed on the Nishi site and would include similar uses as the Nishi Gateway project; however, the proposed project would not include a research and development component. Construction and operation of the project would include implementation of the mitigation measures included in this checklist. The features of the proposed project and mitigation measures discussed in this document are consistent with the policies of the City of Davis General Plan. Development of the Nishi site would not conflict with any local policies or ordinances protecting air quality. This impact would be **less than significant**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR. See the discussion below under Section 4.7, Greenhouse Gas Emissions, for a discussion of the project's consistency with the Sacramento Area Council of Government's Metropolitan Transportation Plan/Sustainable Communities Strategy, Assembly Bill 32 of 2006, Senate Bill 32 of 2016 and Executive Order B-30-15.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction Emissions of Criteria Air Pollutants and Precursor Emissions

As identified in Impact 4.3-1 in the 2015 Draft EIR, construction-related activities would result in project-generated emissions of reactive organic gases (ROG), oxides of nitrogen (NO_x), particulate matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀), and particulate matter with an aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}) from site preparation (e.g., grading, and clearing), off-road equipment, material delivery, and worker commute exhaust emissions, vehicle travel, and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings). Fugitive dust emissions are associated primarily with site preparation and vary as a function of soil silt content, soil moisture, wind speed, and area of disturbance. Other particulate matter emissions can result from combustion of fuels. Ozone precursor emissions of ROG and NO_x are associated primarily with exhaust from construction equipment, haul truck trips, and worker trips. ROG emissions are also generated during asphalt paving and the application of architectural coatings. The Draft EIR concluded this would be a less-than-significant construction-related impact.

The proposed Nishi Residential Development Project would be constructed on the same site as analyzed in the Draft EIR. Similar to what was assumed for the analysis in Impact 4.3-1, the project would be constructed in three continuous phases over 5 to 6 years, which is the same duration analyzed in the 2015 Draft EIR. Moreover, grading and excavation are typically the most emissions-intensive stage of construction and the area of ground disturbance would be similar. This would remain a **less-than-significant** impact.

Operational Emissions of Criteria Pollutants and Precursor Emissions

As discussed in Impact 4.3-2 in the 2015 Draft EIR, operational activities associated with the Nishi Gateway development were expected to result in long-term project-generated emissions of criteria air pollutants and precursors. It was determined that long-term, operational emissions could exceed Yolo/Solano Air Quality Management District (YSAQMD) significance thresholds for ROG, which is a precursor to ozone, but would not exceed YSAQMD thresholds for oxides of nitrogen (NO_x) and particulate matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀). The EIR explained that long-term operational emissions of ROG could conflict with the air quality planning efforts and contribute substantially to the nonattainment status of Yolo County with respect to the National Ambient Air Quality Standard (NAAQS) and California Ambient Air Quality Standard (CAAQS) for ozone, and this was identified as a significant impact.

The proposed Nishi Residential Development Project would be constructed on the Nishi site and would include similar uses as the Nishi Gateway project. The proposed project would result in approximately 280 more residents than the previous Nishi Gateway project, but would no longer include the research and development component. As discussed in Section 4.16, Transportation/Traffic, in this checklist, the Residential Development Project would generate 2,097 fewer daily trips, compared to the 2015 Nishi Gateway Project. Implementation of the project would include the mitigation measure previously adopted for Impact 4.3-2 (Implement Measure 4.14-5 (Transportation Demand Management Program), and it is expected that this impact would remain **less than significant with mitigation**.

Carbon Monoxide Concentrations

As discussed in Impact 4.3-3 in the 2015 Draft EIR, it was determined that the Nishi Gateway Project's long-term operation-related mobile-source emissions of carbon monoxide (CO) would not violate or contribute substantially to a localized exceedance of the NAAQS or CAAQS for CO. The traffic analysis determined that the Cumulative with Project condition, under Access Scenario 1, would result in the worsening of two intersections to level of service (LOS) E or F ("WB 80 Causeway E of Co Rd 32A" and "2nd St E of Pena Dr"). Under Access Scenario 2, the Cumulative with Project condition would result in the worsening of only one intersection ("Old Davis Rd N of I-80"). The air quality analysis concluded that, although this change in LOS would, in and of itself, exceed YSAQMD's LOS-based screening criteria identified above, intersection peak-hour volumes would be relatively low (below 10,000 vehicles per hour) when compared to CO screening thresholds from other nearby air districts. Moreover, under Cumulative-plus-Project conditions intersection volumes would be less than the volume-based screening criterion of 31,600 vehicles per hour recommended by the Sacramento Air Quality Management District (SMAQMD). As noted in page 4.3-25 of the Draft EIR, the YSAQMD concurs with the SMAQMD screening criteria. As a result, the EIR concluded that development-generated, long-term operational mobile-source emissions of CO would not violate a standard or contribute substantially to an existing or projected air quality violation or expose sensitive receptors to substantial pollutant concentrations of carbon monoxide, and this was identified as a less-than-significant impact.

As discussed in this Environmental Checklist under Section 4.17, Transportation/Traffic, the Nishi Residential Development Project would generate 286 fewer vehicle trips during the A.M. peak hour and 269 fewer vehicle trips during the P.M. peak hour, compared to the 2015 Nishi Gateway Project. The proposed Nishi Residential Development Project would result in 2,097 fewer daily trips than the 2015 Nishi Gateway Project. Based on SMAQMD's volume-based screening criterion, it is expected that this would remain a **less-than-significant** impact, similar to the conclusion in the Nishi Gateway EIR.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

As discussed above under item b), the proposed Nishi Residential Development Project would be constructed on the Nishi site and would include similar uses as the Nishi Gateway project. The proposed project would result in approximately 280 more residents than the previous Nishi Gateway project, but would no longer include the research and development component. Moreover, as discussed in Section 4.16, Transportation/Traffic, in this checklist the Residential Development Project would generate 2,097 fewer daily trips, compared to the 2015 Nishi Gateway Project. Implementation of the project would include the mitigation measure previously adopted for Impact 4.3-2 (Implement Measure 4.14-5 (Transportation Demand Management Program), and it is expected that this impact would remain **less than significant with mitigation**.

d) Expose sensitive receptors to substantial pollutant concentrations?

Impact 4.3-5 in the 2015 Draft EIR explained that residential dwelling units, which are considered sensitive receptors, would be developed on the Nishi site and would be exposed to toxic air contaminants (TACs) generated by nearby sources, including stationary sources on the UC Davis campus, diesel PM generated by trains using the Union Pacific Railroad (UPRR), and diesel PM generated by vehicle traffic on I-80. This impact also focused on the exposure of the new residential land uses to emissions of ultrafine particulate matter (UFP) generated by vehicle activity on I-80, including UFP contained in vehicle exhaust, brake wear, and tire wear. The EIR concluded that because the Nishi project site is located upwind of the UC Davis campus, it is not anticipated that residential and worker receptors developed on the Nishi site would be exposed to levels of health risk from TAC-generating activities on campus that exceed the applicable thresholds. The EIR explained that people living and working on the project site would be exposed to emissions of diesel PM generated by vehicles traveling on I-80 and that the incremental increase in cancer risk for residential receptors located on the project site would be substantial. The EIR also concluded that the level of health risk from long-term exposure to UFP concentrations on the project site would be substantial. Implementation of Mitigation Measures 4.3-5a through 4.3-5c would result in substantial reductions to exposure levels of UFPs and diesel PM; however, because the level of effectiveness cannot be quantified and because “safe” levels of UFP exposure and diesel PM exposure have not been identified by any applicable agency, or by a consensus of scientific literature, the EIR assumed that resultant levels of UFP exposure and diesel PM on the project site could potentially be associated with a substantial increase in health risks, and this was identified as a significant and unavoidable impact.

The proposed Nishi Residential Development Project would be constructed on the Nishi site and would include similar uses as the Nishi Gateway project, including residential uses. The proposed project would result in approximately 280 more residents than the previous Nishi Gateway project, but would no longer include the research and development component. The Nishi Gateway project included some for-sale units; residents typically live in residences they purchase longer than those who rent. The proposed Residential Development Project, which will be 100 percent rental units, is expected to be primarily occupied by students, so the amount of time someone would live in these units would be expected to be far less than under the prior proposal, thereby reducing risk of exposure. While risk would be reduced, its location near the freeway and railroad would nevertheless expose residents of the Nishi Residential Development to unacceptable concentrations of UFPs and other TACs. As discussed above, due to a recent California Supreme Court decision, effects of the environment on a project are generally outside the scope of CEQA; further, the project would not exacerbate the levels of UFP and TAC at the site. This is not, therefore, an environmental impact under CEQA. Nonetheless, the project would include implementation of Mitigation Measures 4.3-5a through 4.3-5c, as previously adopted.

e) Create objectionable odors affecting a substantial number of people?

As discussed in Impact 4.3-6 of the 2015 Draft EIR, the project would introduce new odor sources into the area (e.g., diesel exhaust emissions from delivery trucks). However, the EIR explained that these types of odor sources already operate in and near the project area and do not result in odor complaints. Also, the project would not locate land uses in close proximity to any existing odor sources, and this was identified as a less-than-significant impact.

The proposed Nishi Residential Development Project would result in similar uses as the Nishi Gateway project, with the exception that the research and development portion of the project would no longer be included. New residences on the Nishi site could have similar odor complaints, however, all of the listed complaints described in Section 4.3, "Air Quality" of the Draft EIR were infrequent and wood burning would not be permitted at on-site land uses. Minor odors from the use of heavy duty diesel equipment and the laying of asphalt during project-related construction activities would be intermittent and temporary, and would dissipate rapidly from the source with an increase with distance. Although, the project site is located approximately 170 feet from the nearest sensitive receptors, located at the Solano Park Apartments, odors generated by construction activities would be temporary. Operation of the proposed land uses would include diesel-fueled delivery trucks hauling materials to and from residences and the resident-serving retail; however, these types of sources would not be different from those that currently deliver materials to existing land uses in the vicinity of the project area. Also, facilities developed under the project would be subject to Davis Municipal Code Section 40.24.040 (c) regarding the control of odors.

Project implementation would not result in the development of any major new source of odor or any features or facilities known to produce objectionable odors (e.g., landfill, wastewater treatment plant, compost facility). Diesel exhaust generated by on-site construction equipment would be intermittent and temporary, and would dissipate rapidly from the source with an increase in distance. Thus, neither construction nor operation of the project would create objectionable odors affecting a substantial number of people. This impact would continue to be **less than significant**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measures were previously analyzed in the Nishi Gateway EIR and adopted by the City Council. While exposure to TAC, including UFP, is no longer considered a significant CEQA impact associated with the project, the applicant has nevertheless committed to implementation of related mitigation if the project were approved. Note that Mitigation Measure 4.3-5a has been revised to clarify the text and to reflect the revised project. New text is shown with double underline and deleted text is shown with ~~strikeout~~.

Implement Mitigation Measure 4.14-5 (Transportation Demand Management program).

Mitigation Measure 4.3-5a: All residential buildings shall be located as far as feasible from I-80, and no residential buildings shall be located on the southwest portion of the project site along the elevated segment of I-80. Residential buildings shall be sited more distant from I-80 than non-residential buildings, including parking garages, such that the non-residential structures serve as a barrier between I-80 and the residential buildings. ~~In addition, housing where individuals typically reside for a longer period of time, such as for sale residential units, shall be located more distant from I-80 than other residential units.~~

Mitigation Measure 4.3-5b: A comprehensive tree planting and maintenance plan shall be developed and implemented to minimize TAC concentrations levels in outdoor areas of the project site. Development and initial planting required by the plan shall be fully funded by the applicant. The plan shall be performed by a qualified arborist approved by the City. The tree siting and maintenance plan shall be completed and approved by the City before construction. The plan shall include ongoing maintenance requirements and clearly identify the funding mechanism for this maintenance during the life of project. Funding for ongoing maintenance may be sourced from the formation of a homeowners association with required dues, establishment of a community facilities

district, or some other mechanism approved by the City. The plan shall consist of a vegetative filtration along I-80 and tree canopy across the project site. These two elements are described in greater detail below:

- ▲ *Vegetative filtration along Interstate 80.* The plan shall locate trees along the ground level portions of the I-80 right of way to provide vegetative filtration between freeway traffic and the project site. Tree species and spacing shall be selected such that the stand of vegetation should have a minimum year-round width of 5 meters and be at least 3 meters tall within 15 years of when the first residential dwelling unit on the site is inhabited. A wider barrier results in more deposition. The stand of vegetation may consist of multiple, staggered rows of trees to eliminate gaps such that a vegetative barrier is achieved. The height of the vegetative stand should be balanced with other site planning considerations, including protection of existing views of the UC Davis campus from I-80, to the extent feasible. If a sound wall is located along I-80 to reduce freeway noise exposure to the project site, the vegetated barrier shall be located on the project side of the sound wall and be as close to the sound wall as feasible such that air passing over the sound wall will immediately come into contact with the trees. If a sound barrier is not constructed then shrubs or other non-tree vegetation can be used to fill gaps between individual trees; however, installation of species that have invasive qualities or would serve as “ladder fuels” in a fire should be avoided.
- ▲ *Tree Canopy across the Project Site.* Trees shall also be planted throughout the project site to form a canopy that filters emissions flowing from I-80. As part of detailed site design, an arborist shall work with designers to identify all locations where trees should be located, taking into account areas where shade is desired such as along pedestrian and bicycle routes, the locations of solar photovoltaic panels, and other infrastructure. The tree canopy should be designed such that it shades 50 percent of all paved areas, outdoor activity areas, and pedestrian and bicycle routes, within 15 years of when the first residential dwelling unit on the site is inhabited.

For both the vegetative filtration along I-80 and the tree canopy throughout the project site, tree selection criteria shall include their ability to filter UFP, PM_{2.5}, and PM₁₀ during all seasons based on peer-reviewed research in academic journals and reports by EPA and ARB. Tree selection should also consider irrigation needs; maintenance needs (e.g., pruning, leaf litter, replacement planting); hardiness; growth rate; canopy cover; surface drainage characteristics and related grading needs; allergen production; production of biogenic volatile organic compounds; storm water detention needs of the project site; drying effects from traffic-generated turbulence; fire safety needs; vulnerability to physical damage from nearby mowing, chemical applications, or animals; disease and pest resistance; root depths; mulching requirements; staking and eventual stake removal; and water conservation goals. All trees shall be planted in accordance with the planting standards established by the Western Chapter of the International Society of Arboriculture’s, *Guideline Specifications for Selecting, Planting, and Early Care of Young Trees* (Kempf and Gilman 2011), including but not limited to standards for root ball management, root pruning, staking, mulching, and irrigation. Tree selection can be performed using the SelectTree tool developed by the Urban Forest Ecosystems Institute at Cal Poly San Luis Obispo (<http://selecttree.calpoly.edu/>). The plan shall also identify the availability of selected tree species from nurseries.

In its contracting language the property owner/applicant shall require its contractor (or planting/landscaping contractor) to place orders from supply nurseries in advance to ensure that the quantity of selected nursery trees is available to fulfill the requirements of this mitigation measure.

Mitigation Measure 4.3-5c: The air filtration systems on all residential buildings and buildings in which people work shall achieve a minimal removal efficiency of 95 percent for UFP (particulate matter with an aerodynamic diameter of 0.1 microns and smaller). Achieving a minimal removal efficiency of 95 percent may include, but not be limited to, the following:

- ▲ strategically located air intakes pursuant to requirements and recommendations of the American Society of Heating, Refrigeration, and Air-Conditioning Engineers;
- ▲ positively pressurizing buildings;
- ▲ double-door entrances at the main entrances to buildings; and/or
- ▲ high-volume, low-pressure drop air exchange systems that cause UFP to pass through multiple filters at a slow enough speed such that they attach to the surface of standard electrostatic filters.

The air filtration and mechanical airflow systems shall be properly maintained and, on an annual basis, tested documented by a qualified professional to ensure that the UFP filtration system is operating at a minimum 95 percent effectiveness.

Low cost air filtration systems capable of 95 percent efficiency include those developed by the UC Davis DELTA Group, which has designed a high-volume, low-pressure drop system that causes UFP to pass through multiple filters at a slow enough speed such that they attach to the surface of standard electrostatic filters.

CONCLUSION

No substantially new circumstances or project changes have occurred nor has substantial new information been found requiring new analysis or verification. Air quality impacts would be similar to those discussed in the 2015 Draft EIR, and previously adopted Mitigation Measures 4.3-5a through 4.3-5c would reduce the magnitude of the impact related to exposure of sensitive receptors to TACs. This impact is no longer considered significant under CEQA, for the reasons explained above. The conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts related to air quality.

4.4 BIOLOGICAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
4. Biological Resources. Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Draft EIR Setting pp. 4.4-3 to 4.4-11 Impacts 4.4-1, 4.4-2, 4.4-3, 4.4-4, 4.4-5, and 4.4-6 FEIR page 3-4	No	No	Less than significant with mitigation (same)
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	Draft EIR Setting pp. 4.4-1 to 4.4-13 Impacts 4.4-6	No	No	Less than significant with mitigation (same)
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Draft EIR Setting pp. 4.4-1, 4.4-2, and 4.4-12 to 4.4-13 Impact 4.4-7	No	No	Less than significant with mitigation (same)
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Draft EIR Setting pp. 4.4-1 to 4.4-13, pp. 4.4-17 to 4.4-18 No impact	No	No	No Impact (same)
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Draft EIR pp. 4.4-15 to 4.4-16 Impacts 4.4-8 and 4.4-9	No	No	Less than significant (same)
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Draft EIR p. 4.4-18 No impact	No	No	No Impact (same)

4.4.1 Discussion

Since certification of the Nishi Gateway EIR in February 2016, new database searches have been completed for the project site to update the information related to special-status species. Inclusion of a species on the list does not mean it is located on the site; rather, the list includes special-status species that have either been located on the site or within the vicinity of the project. The results of the updated database searches include the following:

- 1) Two new special-status plant species were identified: Jepson's coyote-thistle (*Eryngium jepsonii*) and California alkali grass (*Puccinellia simplex*). These species are not likely to occur on the project site because there is no suitable habitat on the site.
 - 2) One new special-status animal species was identified: American Badger (*Taxidea taxus*). This species is not likely to occur on the project site because there is no suitable habitat on the site.
 - 3) The genus name for *Atriplex joaquinana* changed to *Extriplex joaquinana*. This does not meaningfully change the status of the species as it relates to the site.
 - 4) There are several new occurrences for previously-identified species in the California Department of Fish and Game's Natural Diversity Database. These species were addressed in the 2015 Draft EIR.
- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**

California Black Walnut Trees

The 2015 Draft EIR identified the removal of up to three of the California black walnut trees located on the project site, one of which is recommended for removal and two of which are recommended for trimming. The remainder of the California black walnuts are located within areas previously proposed for open space, the old north fork Putah Creek and the Union Pacific Railroad (UPRR) right-of-way.

The proposed Nishi Residential Development Project would be constructed in the same location as the Nishi site. The building footprints are not known at this time, but the project would still include a roadway extension to Old Davis Road and the roadway extension of West Olive Drive for emergency vehicle access. Of the trees that were previously identified to potential removal, one is located adjacent to the roadway extension to Old Davis Road, and the other two are located adjacent to the planned footprint of the extension of West Olive Drive. Implementation of previously adopted Mitigation Measure 4.4-1 would either prevent the loss of existing sensitive plants on-site or, in the event that removal is required, would ensure replacement of any removed California black walnut trees at a minimum of a 2:1 ratio such that there would be no net loss of California black walnuts within the Nishi site.

Valley Elderberry Longhorn Beetle

Similar to the Nishi Gateway project, the proposed Residential Development Project could result in construction work within 100 feet of known elderberry shrubs that may serve as habitat for valley elderberry longhorn beetle. Because the proposed project would include the extension of West Olive Drive for emergency access, indirect impacts to the shrubs could occur, as discussed in the 2015 Draft EIR. Implementation of previously adopted Mitigation Measure 4.4-2 would avoid or minimize direct or indirect impacts to shrubs through the establishment of buffers and fencing.

Special-Status Bat Species

Although no bats or roosts were previously observed on the project site, the mature trees may provide suitable roosting habitat for special-status bats such as pallid bat, silver-haired bat and hoary bat, which could have moved into the area after the initial reconnaissance surveys. Although most of the suitable trees in the Nishi site are located within the old north fork Putah Creek area or will be incorporated into the landscape of the proposed development of the Nishi site, some trees could be removed during ground-clearing/grading activities. Implementation of previously adopted Mitigation Measure 4.4-3 would avoid or minimize impacts to special-status bats through avoidance or exclusion, thereby insuring that project implementation would not result in the direct mortality of such species.

Swainson's Hawk

As described in Impact 4.4-4, implementation of the proposed project would convert approximately 46 acres of agricultural land to urban development, and thus reduce the foraging habitat of Swainson's hawk in the vicinity of the project site. Although the revised project would continue to retain portions of the project site as open space, the majority of the project site would be temporarily impacted by construction activities and human use, and the open space areas would not provide the open habitat that Swainson's hawk require for foraging. Furthermore, removal of existing trees could potentially remove suitable nesting habitat. Implementation of previously adopted Mitigation Measure 4.4-4a would ensure no direct impacts to nesting Swainson's hawk and would provide compensatory mitigation in accordance with an established program for the mitigation of loss of Swainson's hawk foraging habitat.

Burrowing Owl

Because on-site vegetation within the Nishi site could provide potential nesting habitat for burrowing owl, construction activities associated with development of the site could result in the direct loss of burrowing owl and/or temporary disruption of wildlife feeding and/or breeding behavior. Implementation of previously adopted Mitigation Measures 4.4-5a and 4.4-5b would require pre-construction surveys of the Nishi site to identify potential nesting burrowing owls. If active nest sites are found, no-disturbance buffers would be established to ensure that breeding/nesting would not be disrupted or adversely impacted by construction.

Raptors, Nesting Birds, and Other Special-Status Birds

Development of the project site would result in impacts to land cover types such as agricultural land and remnant riparian areas that provide nesting opportunities for birds and potential habitat for special-status bird and raptor species. Construction activities within the Nishi site, especially vegetation removal, could result in the direct impacts these bird and/or raptor species. Implementation of previously adopted Mitigation Measure 4.4-6 would require pre-construction surveys of the Nishi site to identify active bird and raptor nests. If active nest sites are found, the mitigation would require the establishment of no-disturbance buffers to ensure that breeding/nesting is not likely to be disrupted or adversely impacted by construction.

Summary

Similar to the project analyzed in the 2015 Draft EIR, the Nishi Residential Development Project would be constructed on the same site. The proposed project has the potential to result in impacts to special-status plant and animal species that are known to occur, or have the potential to occur, on the project site. Implementation of previously adopted Mitigation Measures 4.4-1, 4.4-2, 4.4-3, 4.4-4a, 4.4-5a, 4.4-5b, and 4.4-6 (reproduced below) would reduce the magnitude of these impacts to a **less-than-significant** level, as described in the Nishi Gateway EIR. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?**
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

The proposed project would require the improvement of an existing crossing of the Putah Creek channel to allow for vehicular traffic from West Olive Drive to the Nishi site. While the future roadway would be for emergency access only and not open to traffic, construction of the roadway would still include removal of the existing earthen crossing (including a 12-inch culvert) that provides for pedestrian and bicycle traffic across the Putah Creek channel and replacement with a free-standing crossing. The Putah Creek channel, as it crosses the Nishi site, does not support fish and supports only a narrow riparian corridor, but still provides habitat to a number of common wildlife species, such as nesting birds. The loss of remnant riparian and potential wetland habitat as a result of development of the Nishi site would be potentially significant. Implementation of previously adopted Mitigation Measure 4.4-7 would reduce the magnitude of this impact

by providing replacement, restoration or enhancement habitat of equal or greater value. Therefore, this impact would remain **less than significant** after mitigation. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

As discussed on page 4.4-17 of the 2015 Draft EIR, the project site is surrounded by urban development (i.e., industrial, transportation, and housing), and the project would not create a barrier to movement of migratory species because the only potential movement area is through the old north fork Putah Creek and the existing bike tunnels under the UPRR line and I-80. However, there are existing barriers to wildlife movement because the bike tunnels connect urban to urban environs and not pristine habitat areas and there are fences and walls that prevent movement south of I-80. Furthermore, as discussed in the 2015 Draft EIR, the old north fork Putah Creek travels through a fenced box culvert underneath I-80 that prevents passage of wildlife species. The south fork Putah Creek west of the project site provides a migratory corridor for wildlife species. The EIR determined that no impact would occur.

Similar to the previous project, the Nishi Residential Development Project would not result in construction activities in the area of the south fork of Putah Creek, west of the project site, that provides a migratory corridor. Additionally, areas that would be affected by construction in the project site are not known to contain native wildlife nursery sites, such as colonial bird rookeries or bat roosts. Therefore, **no impact** would occur under the Nishi Residential Development Project. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

As discussed under Impact 4.4-8 in the 2015 Draft EIR, implementation of the proposed project could result in the removal of City-protected trees. However, consistent with the City's Tree Preservation Ordinance, the project applicant would be required to prepare a tree protection plan, pay applicable fees, and provide replacement trees as required by the City ordinance. Additionally, the City of Davis General Plan includes policies to protect environmental resources. The project's features (i.e., detention basins, proposed native vegetation, etc.) and mitigation measures discussed in this document are consistent with the policies of the City of Davis General Plan. The project would be consistent with the City of Davis General Plan policies requiring protection of wetlands through compliance with the protection and, if necessary, with the compensation of loss as part of compliance with Section 404 of the Clean Water Act. The project would comply with the County's Swainson's Hawk Ordinance, including mitigating for loss of Swainson's hawk foraging habitat through consultation with the California Department of Fish and Wildlife (CDFW). This impact would be **less than significant**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As stated in the 2015 Draft EIR, there are currently no approved habitat conservation plans applicable to the project site. The project site is within the proposed Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) and the City of Davis is participating in the development of the Yolo HCP/NCCP. The Yolo HCP/NCCP has not been adopted. Because the project site is not located in a habitat conservation plan area, no conflict with an adopted habitat conservation plan would occur, and **no impact** would result. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measures were analyzed in the Nishi Gateway EIR and adopted by the City Council and would be implemented if the project were approved.

Mitigation Measure 4.4-1: The applicant shall implement the following measures to avoid or minimize loss of California black walnut:

- ▲ Construction activities shall avoid removal of and damage to California black walnut trees that were identified as healthy or requiring training/trimming. Dead trees may be removed and do not require mitigation. The protection of the remaining black walnut trees shall include the prohibition of heavy equipment operation within the drip line of the trees to be preserved. Only hand tools may be used within the drip line.
- ▲ In the event that a California black walnut tree cannot be avoided, the applicant shall replace the trees such that there is no net loss of California black walnuts. At a minimum, each California black walnut tree will be replaced with 15-gallon California black walnut trees at a 2:1 ratio (two California black walnut trees planted for every California black walnut tree removed). The replacement trees may be incorporated into proposed plantings within designated open space areas on-site or in proximity to the old north fork Putah Creek area.
- ▲ Success criteria for compensatory California black walnuts shall include:
 - The extent of occupied area and tree density (number of trees per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat.
 - 5 years annual monitoring with remedial planting if mortality exceeds 20%. The applicant shall submit annual reports, prepared by a qualified arborist, to the City indicating success metrics for replacement planting. If mortality exceeds 20%, annual reporting shall continue for 5 years after remedial planting until it is demonstrated that replacement criteria stated within this measure is attained.
- ▲ California black walnut trees recommended for trimming/training by the 2014 arborist report for the Nishi site shall be trimmed/trained prior to initiation of construction.

Mitigation Measure 4.4-2: The applicant shall implement the following measures to avoid or minimize loss of valley elderberry longhorn beetle:

- ▲ If elderberry shrubs are 100 feet or more from project activities, no direct or indirect impacts are expected. Shrubs will be protected during construction by establishing and maintaining a high visibility netting at least 100 feet from the drip line of each elderberry shrub with stems 1 inch or greater. If fencing would cut off access to the pedestrian/bicycle trail within the old north fork Putah Creek trail area, high visibility flagging will be used, but all contractors will be briefed as to the limits of construction and the need to avoid the flagged area.
- ▲ Should construction activities be necessary within 100 feet of existing elderberry shrubs, project activities may occur up to 20 feet from the dripline of elderberry shrubs, pending consultation with the USFWS. At a minimum, the following shall be implemented:
 - A minimum setback of at least 20 feet from the dripline of each elderberry plant with stems greater than one-inch diameter at ground level will be maintained to avoid direct impacts. The buffer area will be fenced with high visibility construction fencing or flagging before commencement of ground-disturbing activities and will be maintained for the duration of construction activities. The applicant will ensure that ground-disturbing activities on the project site do not alter the hydrology of the site or otherwise affect the likelihood of vigor or survival of elderberry shrubs.
 - The applicant will ensure that project activities, such as truck traffic or other use of machinery, do not create excessive dust on the project site, such that the growth or vigor of

elderberry shrubs is adversely affected. Enforcement of a speed-limit and watering dirt roadways are potential methods to ensure that excessive dust is not created.

- Areas that are disturbed temporarily will be restored to pre-disturbance conditions. Erosion control measures will be implemented to restore areas disturbed within 100 feet of elderberry shrubs.
- No insecticides, herbicides, fertilizers, or other chemicals will be used within 100 feet of elderberry shrubs. Herbaceous vegetation may be mowed or removed using hand tools within 100 feet, but not within 20 feet of the elderberry shrubs.
- The applicant or its contractor will ensure that all contractors are briefed on the need to avoid damaging the elderberry plants, the status of the beetle, the need to protect its elderberry plant, and the possible penalties for not complying with these requirements.
- The applicant shall erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet, and must be maintained for the duration of construction.

Mitigation Measure 4.4-3: The applicant shall implement the following measures to avoid or minimize impacts to special status bat species:

- ▲ Before ground disturbance, surveys will be conducted to determine if suitable habitat (that would be removed during construction) are occupied by bats. These areas shall be surveyed within 14 days before start of construction. Surveys may consist of daytime pedestrian surveys looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. Bat detectors may be used to supplement survey efforts, but are not required. If no evidence of bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined.
- If surveys confirm bats daytime-roost will be affected by the project, a Bat Exclusion Plan will be developed by the applicant and submitted to the City for review and approval before its implementation. No bat exclusion will occur between March 1 and August 15 (depending on type of roost and location) which coincides with the maternity season in California.
- If a winter roost or a maternity roost is found, a 100-foot buffer will be created around a roost and no project related activities will occur within the buffer until a biologist has determined that the roost is no longer in use.

Mitigation Measure 4.4-4a: The applicant shall implement the following measures to avoid or minimize impacts to Swainson's hawk within the Nishi site:

- ▲ For construction activities occurring between February 1 and August 31, the applicant shall retain a qualified biologist to conduct surveys for Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines and/or currently accepted guidance/industry standards, subject to City of Davis review and approval. Surveys shall encompass a minimum of a 0.5-mile radius around the construction area. If nesting Swainson's hawks are detected, a 0.5-mile, no-disturbance buffer shall be established, depending on location. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Buffer distance may be reduced in consultation with CDFW.

- ▲ Although no Swainson's hawk nests were observed during the initial survey, it is possible that before initiation of construction, a Swainson's hawk may establish a nest within the boundaries of the project site. If a Swainson's hawk nest tree is found within the project site and said nesting tree is to be removed during construction activities, removal will take place outside of Swainson's hawk nesting season. Upon discovery, the applicant shall develop a tree replacement plan, in consultation with CDFW, to replace known active nest trees at a ratio of 3:1. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to ensure the survivability of replacement trees.
- ▲ Before commencement of construction, the applicant shall provide compensatory mitigation for the loss of approximately 46 acres of Swainson's hawk foraging habitat to the Yolo Habitat Conservancy (formerly HCP/NCCPJPA) in accordance with their Swainson's Hawk Interim Mitigation Program. This program currently requires compensation at a 1:1 ratio and projects over 40 acres are required to provide the conservation land directly. If the project is implemented after adoption of the YNHP, in lieu of this measure, the applicant will comply with the requirements of the YNHP.

Mitigation Measure 4.4-4b: The applicant shall implement the following measures to avoid or minimize impacts to Swainson's hawk within West Olive Drive:

- ▲ For construction activities occurring between February 1 and August 31, the applicant shall retain a qualified biologist to conduct surveys for Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee 2000 guidelines (SHTAC 2000) and/or currently accepted guidance/industry standards. Surveys shall encompass a minimum of a 0.5-mile radius around the construction area. If nesting Swainson's hawks are detected, a 0.5-mile, no-disturbance buffer shall be established, depending on location. Buffers shall be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Buffer distance may be reduced in consultation with CDFW.
- ▲ Although no Swainson's hawk nests were observed during the initial survey, it is possible that before initiation of construction, a Swainson's hawk may establish a nest within the boundaries of the project site. If a Swainson's hawk nest tree is found within the project site and said nesting tree is to be removed during construction activities, removal will take place outside of Swainson's hawk nesting season. Upon discovery, the applicant shall develop a tree replacement plan, in consultation with CDFW, to replace known active nest trees at a ratio of 3:1. If replacement planting is implemented, monitoring shall be conducted annually for 5 years to assess the mitigation's effectiveness. The plan shall include a performance standard for the mitigation that results in no net loss of nesting habitat.

Mitigation Measure 4.4-5a: The applicant shall implement the following measures to avoid or minimize impacts to burrowing owl:

- ▲ The applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls in areas supporting potentially suitable habitat (sparsely vegetated areas and those containing suitable burrows) no more than 30 days before the start of construction activities that could affect the subject areas. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. The project biologist shall conduct surveys for burrowing owls in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version).
- ▲ If burrowing owls are detected, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation. This guidance includes buffers around occupied burrows shall be a minimum of 656 feet (200 meters) during the nesting season, and 160 feet (100 meters) during the non-breeding season unless otherwise approved by CDFW.

- ▲ Outside of the nesting season (February 1 through August 31), passive owl relocation techniques shall be implemented if approved by CDFW. Owls would be excluded from burrows in the immediate impact zone within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place at least 48 hours before excavation to insure the owls have departed.
- ▲ The work area shall be monitored daily for 1 week to confirm owl departure from burrows before any ground-disturbing activities.
- ▲ Where possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

Mitigation Measure 4.4-5b: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall implement the following:

- ▲ If active burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat consistent with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version). Such mitigation may include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank.

If the same mitigation acreage would be utilized for multiple species (i.e. burrowing owl habitat and Swainson's hawk foraging habitat), the appropriate wildlife agency, in this case CDFW, must approve the mitigation lands and long-term management practices for the mitigation lands as suitable and compatible for all species for which the lands are to provide compensatory mitigation. Proof of CDFW's approval habitat "stacking" shall be provided to the City of Davis.

Mitigation Measure 4.4-5c: The applicant shall implement the following measures to avoid or minimize impacts to burrowing owl:

- ▲ The applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls in areas supporting potentially suitable habitat (sparsely vegetated areas and those containing suitable burrows) no more than 30 days before the start of construction activities that could affect the subject areas. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. The project biologist shall conduct surveys for burrowing owls in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version).
- ▲ If burrowing owls are detected, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation. This guidance includes buffers around occupied burrows shall be a minimum of 656 feet (200 meters) during the nesting season, and 160 feet (100 meters) during the non-breeding season unless otherwise approved by CDFW.

Mitigation Measure 4.4-6: The applicant shall implement the following measures to avoid or minimize impacts to special-status birds, raptors, or other birds protected under the MBTA:

- ▲ For construction activities occurring between February 1 and August 31, the applicant shall retain a qualified biologist to conduct surveys for special status nesting birds and raptors no less than 14 days before the start of ground disturbing activities. These surveys can be conducted concurrently with the Swainson's hawk and burrowing owl surveys identified in Mitigation Measures 4.4-4a and 4.4-5a. If no nesting birds are found, no further study is required.

- ▲ If nests are detected, the project biologist shall establish a minimum 500-foot no-disturbance buffer for raptors and a 100-foot no-disturbance buffer around all other nests until the nest is no longer active or the young have fledged. The size of the buffer may be adjusted by the project biologist if, in consultation with CDFW, it is determined that such an adjustment would not be likely to adversely affect the nest.
- ▲ Factors to be considered for determining buffer size shall include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers shall be maintained until a qualified biologist has determined that young have fledged and are no longer reliant upon the nest or parental care for survival.
- ▲ Should tricolored blackbird be relisted as a fully-protected species before construction activities associated with the project and tricolored blackbird are found during the preconstruction surveys, a 500-foot no disturbance buffer shall be established around the nesting colony unless otherwise approved by CDFW. The buffer will be maintained until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.

Mitigation Measure 4.4-7: The applicant shall implement the following measures to avoid, minimize, and mitigate Impacts on sensitive natural communities and compensate for loss of remnant riparian and wetland habitat:

- ▲ As a first priority, the applicant will minimize wetland and/or riparian impacts through minimizing project footprint during project design and construction
- ▲ Before any ground breaking activity along the remnant riparian area of the old north fork Putah Creek, the applicant shall retain a qualified wetland specialist who shall prepare a jurisdictional wetland delineation for both waters of the U.S. and waters of the State in sensitive areas that cannot be avoided. The preliminary delineation shall be submitted to U.S. Army Corps of Engineers (USACE) for verification.
- ▲ The creek and associated riparian areas may be subject to CDFW regulation under Section 1602 of the Fish and Game Code and shall be evaluated for CDFW jurisdiction and riparian extent. If determined to be subject to CDFW jurisdiction, CDFW shall be consulted and a Lake and Streambed Alteration Agreement notification shall be prepared.
- ▲ No grading, fill, or other ground disturbing activities shall occur in proximity to the Putah Creek channel until all required permits, regulatory approvals, and permit conditions for effects on wetland and riparian habitats are obtained. Any additional avoidance, minimization, and conservation measures shall be fulfilled before construction as stipulated by the permits.
- ▲ For those wetlands and riparian areas that cannot be avoided, the applicant shall commit to replace, restore, or enhance on a “no net loss” basis (in accordance with the USACE permit) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded with project implementation. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, and the regional water quality control board (RWQCB) (if applicable) as appropriate, depending on agency jurisdiction, and as determined during the permitting processes. Similarly, all riparian vegetation shall be compensated for, as applicable, in accordance with an obtained CDFW 1602 Streambed Alteration Agreement.
- ▲ The applicant or its contractor will provide environmental awareness training to all construction workers on-site, conducted by a qualified biologist that includes the following provisions:

- The location of the Putah Creek revegetation area and its designation as “environmentally sensitive area.” This area will be protected, and no entry by the Contractor or crews will occur unless specifically authorize as per the project plans.
- The area will be protected by installing orange construction barrier fence at the limits of the area needed to construction improvements along this area. If needed, the contractor will work with the project biologist to identify the location for the barrier fence. The fencing will be installed before construction activities are initiated and will be maintained throughout the construction period.

CONCLUSION

The proposed project would not change the project site or alter the magnitude of impact differently than previously analyzed, and implementation of previously adopted Mitigation Measures 4.4-1 through 4.4-7 would reduce potential impacts on biological resources to a less-than-significant level. Therefore, therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts to biological resources.

4.5 CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
5. Cultural Resources. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Draft EIR Setting pp. 4.5-1 to 4.5-6, pp. 4.5-10 to 4.5-13	No	No	No Impact (same)
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Draft EIR Setting pp. 4.5-1 to 4.5-6 Impact 4.5-1	No	No	Less than significant with mitigation (same)
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Draft EIR page 4.5-1 Impact 4.5-3	No	No	Less than significant (same)
d. Disturb any human remains, including those interred outside the formal cemeteries?	Draft EIR Setting pp. 4.5-6 to 4.5-8 Impact 4.5-2	No	No	Less than significant with mitigation (same)

4.5.1 Discussion

No substantial new information pertaining to cultural or historic resources in the project area has become available since the Nishi Gateway EIR was certified in February 2016.

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

As explained on page 4.5-12 of the 2015 Draft EIR, no historic architectural resources/structures were identified on the project site. The NRHP-listed Davis Subway, also known as the Richards Boulevard underpass, is located adjacent to the northern corner of the West Olive Drive portion of the project site. Project construction on Richards Boulevard would include widening Richards Boulevard at the Olive Drive intersection. Roadway construction would occur no less than 50 feet southeast of the Davis Subway and would not physically alter the historic structure or change the character of the setting. It would not alter the form or function of the structure or the function of nearby uses. The 2015 Draft EIR concluded that project construction and operation would have no impact on historical architectural resources/structures.

The proposed project would occur in the same location as the previous project and would not result in construction closer to the Richards Boulevard underpass. Therefore, there would be **no impact** on historical architectural resources/structures. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Although the records search did not identify any archaeological resources within the Nishi site and no significant prehistoric or historic archaeological resources were identified during the pedestrian survey, two archaeological resources, both prehistoric-historic sites, are known to be located near the Nishi site and may extend onto the Nishi site. Prehistoric and historic period archaeological materials including Native American human remains (burials) have been identified and recorded at both of these archaeological sites. Therefore, the development of the Nishi site could result in the damage or destruction of a known or as yet undiscovered unique archaeological resource. The 2015 Draft EIR concluded this would be a potentially significant impact.

The proposed Nishi Residential Development Project would be located on the same project site as the Nishi Site, and the potential for encountering previously undiscovered or unrecorded archaeological sites and materials during project-related preconstruction or construction-related ground disturbing activities would still be considered moderate to high. This would remain a potentially significant impact. Implementation of previously adopted Mitigation Measures 4.5-1a and 4.5-1b would reduce potentially significant impacts to known and currently undiscovered archaeological resources because actions would be taken to avoid, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, this impact would be reduced to a **less-than-significant** level after mitigation. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project site is considered to have a low paleontological sensitivity because the site rests on recent alluvial sediments, less than 10,000 years old. No paleontological resources are known to occur within the project site or a one-mile radius of the site. Because the types of soil formations that underlay the project site are not considered sensitive for paleontological resources, the development of the Nishi site was determined to have a less-than-significant impact on paleontological resources.

The proposed Nishi Residential Development Project would be located in the same location as the previous project, and the potential for encountering paleontological resources during project-related preconstruction or construction-related ground disturbing activities would still be low. Therefore, this impact would remain **less than significant**.

d) Disturb any human remains, including those interred outside of formal cemeteries?

As explained under Impact 4.5-2 in the 2015 Draft EIR, although records searches revealed no documented graves within the Nishi site, Native American remains have been identified at archaeological sites near the Nishi site. Therefore, construction and excavation activities associated with development of the Nishi Site could unearth previously undiscovered or unrecorded human remains, if they are present. This was identified as a potentially significant impact.

The proposed project would result in construction in the same location as the previous Nishi Gateway project. Implementation of previously adopted Mitigation Measure 4.5-2 would reduce potentially significant impacts to human remains because actions would be implemented to avoid, move, record, or otherwise treat the remains appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered, this impact would be reduced to a **less-than-significant** level after mitigation. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measures were analyzed in the Nishi Gateway EIR and adopted by the City Council and would be implemented if the project were approved.

Mitigation Measure 4.5-1a: Prior to initiation of vegetation removal/grading, the applicant shall retain a Registered Professional Archaeologist meeting the Secretary of Interior's qualifications standards for prehistoric and historical archaeology to perform auger testing on the Nishi site. The objective of the auger testing is to refine specific areas where monitoring for buried (subsurface) archaeological material within specific areas of the Nishi site shall be required. A series of auger holes will be completed by a manual spiral auger and soil from each auger will be processed through 1/8-inch hardware mesh. All recovered cultural material will be recorded with respect to the specific auger and estimated depth. Excavation results, including soil description, will be recorded on field forms. Following the auger testing, a report will be prepared that describes study methods, recovered data, and conclusions.

If the auger testing and associated report reveal any cultural material or areas where soils have been determined likely to conceal cultural deposits, construction monitoring (by both a Native American resources monitor and qualified archaeologist) shall occur in these areas as recommended by a qualified archaeologist.

Mitigation Measures 4.5-1b: In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block-unit excavation and data recovery.

If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code §5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Public Resources Code §5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (Public Resources Code §5097.993), the archaeologist shall recommend to the applicant potentially feasible procedures that would preserve the integrity of the site or minimize impacts on it.

Mitigation Measure 4.5-2: California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.

If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Yolo County coroner and the Native American Heritage Commission (NAHC) immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner’s and NAHC’s findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.

CONCLUSION

The proposed project would not change the project site or increase the magnitude of impact, and implementation of previously adopted Mitigation Measures 4.5-1a, 4.5-1b, and 4.5-2 would reduce potential impacts on cultural resources to a less-than-significant level. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts to cultural resources.

4.6 GEOLOGY AND SOILS

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
6. Geology and Soils. Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? 	Draft EIR Setting pp. 4.6-1 to 4.6-5 Impact 4.6-1	No	No	Less than significant (same)
b. Result in substantial soil erosion or the loss of topsoil?	Draft EIR Setting pp. 4.6-1 to 4.6-5 Impact 4.6-2	No	No	Less than significant (same)
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in: on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	Draft EIR Setting pp. 4.6-1 to 4.6-5 Impact 4.6-3	No	No	Less than significant (same)
d. Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Draft EIR Setting pp. 4.6-1 to 4.6-5 Impact 4.6-3	No	No	Less than significant (same)
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Draft EIR page 4.6-8 No Impact	No	No	No impact (same)

4.6.1 Discussion

No substantial change in the environmental and regulatory settings related to geology and soils, described in the Nishi Gateway Draft EIR Section 4.6, Geology, Soils, and Mineral Resources, has occurred since certification of the Nishi Gateway EIR. The regional and local settings remain the same as stated Section 4.6.

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)**
- ii) **Strong seismic ground shaking?**
- iii) **Seismic-related ground failure, including liquefaction?**
- iv) **Landslides?**

As discussed in Impact 4.6-1 addressing seismic hazards, all project components would be required to comply with the seismic design standards of the California Building Code. The potential for impacts related to seismic shaking or fault rupture within the Nishi site was identified as less than significant.

The proposed Nishi Residential Development project would be constructed on the same project site, and would include the construction of residential and commercial buildings in an area that could experience strong seismic shaking. Similar to the Nishi Gateway project, all project components would be required to comply with the seismic design standards of the CBC. These standards account for the shaking hazard of an area and the type of occupancy and are designed to minimize the potential risk to life and property. Development of the project site would be conducted in a manner consistent with the most recent requirements of the CBC, which has provisions for seismic safety. Therefore, this would be a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

b) Result in substantial soil erosion or the loss of topsoil?

The Nishi site is not located in an area that is highly susceptible to erosion. Impact 4.6-2 in the 2015 Draft EIR concluded that the development of the Nishi site as part of the project would be required to comply with City of Davis construction permitting and Central Valley RWQCB National Pollutant Discharge Elimination System (NPDES) permit conditions requiring temporary and permanent erosion control best management practices (BMPs). The potential for development of the Nishi site to result in increased erosion was determined to be a less-than-significant impact.

The construction activities associated with the proposed Residential Development Project would create ground disturbance and soil compaction which could lead to increased erosion. Because the project site is not highly susceptible to erosion and because the project would be subject to the same requirements for permitting and implementation of BMPs and preparation of a storm water pollution prevention plan (SWPPP), as explained in Impact 4.6-2, this would be a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The Nishi site may contain expansive soils or soils with the potential to liquefy during seismic events. As stated in Impact 4.6-3 of the 2015 Draft EIR, the proposed development would include large, multi-story structures which are subject to geotechnical investigations in accordance with the California Building Code (CBC). Through completion of the required geotechnical report and adherence to its recommendations, the potential to expose users to risk related to liquefaction and expansive soils would be minimized, and this was identified as a **less-than-significant** impact relative to expansive or unstable soils.

The proposed Nishi Residential Development Project would be located on the Nishi site and would be developed with multiple multi-story (primarily three-story) buildings. The CBC requires a geotechnical report for any structure that exceeds 4,000 square feet or is more than one story. This report would evaluate the potential for slope instability, liquefaction, and expansive or unstable soils would be used to develop the final design of all project components. As required by CBC Chapter 18, this report would be prepared by a Registered Professional Geologist, or Registered Civil or Geotechnical Engineer and would ensure that all applicable codes and seismic standards are adequately addressed in the design and construction of the project. The Geotechnical Report would include recommendations on the following:

- ▲ bridge, retaining wall, and roadway design;
- ▲ structural foundations;
- ▲ grading practices;
- ▲ erosion/winterization;
- ▲ best practices to address groundwater and expansive or unstable soils;
- ▲ slope stability; and
- ▲ post-construction restoration.

Through completion of the required geotechnical report and adherence to its recommendations, the potential to expose users to risk related to liquefaction and expansive soils would be minimized. Because continued planning and design would include site-specific design requirements to ensure consistency with the CBC and its requirements related to soil stabilization, this would remain a **less-than-significant** impact relative to expansive or unstable soils. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?

See analysis under item c) above.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

As described on page 4.6-8 of the 2015 Draft EIR, the wastewater system of the project would connect directly to the City of Davis wastewater collection and treatment system. No septic systems or alternative waste water disposal systems were proposed or are present on-site and the EIR concluded that no impacts related to septic systems would occur.

The proposed Residential Development Project would be constructed on the Nishi site and would not include septic systems or alternative waste water disposal systems. **No impact** related to septic systems would occur. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

No significant geologic impacts were identified in the Nishi Gateway EIR, and no mitigation measures were required.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. The proposed Residential Development Project would be located on the same site as previously analyzed and would consist of up to 37 multi-story residential buildings, subject to the same regulations as discussed in the 2015 Draft EIR. Therefore, the conclusions of the Nishi Gateway EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to geology and soils.

4.7 GREENHOUSE GAS EMISSIONS

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
7. Greenhouse Gas Emissions. Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Draft EIR Setting pp. 4.7-1 to 4.7-3, page 4.7-9 Impacts 4.7-1 and 4.7-2 FEIR pp. 3-4 to 3-7	No	No	Less than significant (construction) (same) Significant and unavoidable (operation) (same)
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Draft EIR Setting pp. 4.7-1 to 4.7-3, page 4.7-9 Impact 4.7-3	No	No	Significant and unavoidable (same)

4.7.1 Discussion

Since the Nishi Draft EIR was completed, Senate Bill (SB) 32 was adopted that establishes a new state-wide greenhouse gas (GHG) emission reduction target of 40 percent of 1990 emissions by the year 2030. In August 2016, Governor Brown signed SB 32 and Assembly Bill 197, which serve to extend California’s GHG reduction programs beyond 2020. SB 32 amended the Health and Safety Code to include Section 38566, which contains language to authorize the California Air Resources Board to achieve a statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. SB 32 codified the targets established by Executive Order B-30-15 for 2030, which set the next interim step in the State’s continuing efforts to pursue the long-term target expressed in EOs S-3-05 and B-30-15 of 80 percent below 1990 emissions levels by 2050.

a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Impact 4.7-1 in the 2015 Draft EIR estimated a range for annual GHG emissions from project construction over an estimated 5-year period. It was determined that peak-year construction-generated GHG emissions would not exceed YSAQMD’s recommended GHG emission threshold of 1,100 metric tons (MT) of carbon dioxide equivalent (CO₂e) for construction projects. Impact 4.7-2 estimated annual GHG emissions from project operation and concluded that they would exceed YSAQMD-recommended emission threshold of 1,100 MT CO₂e/year. The EIR explained that, despite the development’s energy efficient design and ideal location close to major destinations in the City, such as University of California at Davis (UC Davis) and downtown Davis, there is no guarantee that future emissions generated by the development could be net zero carbon by 2050. Therefore, operation of the project has the potential to result in a substantial contribution to GHG emissions.

The proposed Nishi Residential Development Project would be constructed on the Nishi site. Similar to the analysis in Impact 4.7-1, the project would be constructed in three continuous phases over 5 to 6 years, which is a similar duration as analyzed in the 2015 Draft EIR. Greenhouse gas emissions from construction would not be substantial and this would remain a less-than-significant impact. The proposed Nishi Residential Development Project would include similar uses as the Nishi Gateway project. The proposed project would result in approximately 280 more residents than the previous Nishi Gateway project, but would no longer include the research and development component. The project would include the energy efficiency

measures described in the Nishi Gateway EIR. As discussed in Section 4.16, Transportation/Traffic, in this checklist, the Residential Development Project would generate 2,097 fewer daily trips, compared to the 2015 Nishi Gateway Project. However, similar to the Nishi Gateway Project, with the variety of factors involved and without further action on the Nishi site to reduce mobile source emissions or purchase GHG emissions offsets, it is uncertain that the Nishi development could be on a trajectory to achieving net zero carbon emissions by 2050. Therefore, this impact is potentially significant. Implementation of previously adopted Mitigation Measure 4.14-5, which requires the development and implementation of a transportation demand management program would reduce VMT generated and implementation of previously adopted Mitigation Measures 4.7-2a and 4.7-2b would set GHG reduction targets and accountability for the Nishi Development, but would not guarantee that the development would be able to achieve the City's carbon neutral target by 2050. Therefore, this impact would be **significant and unavoidable**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Impact 4.7-3 in the 2015 Draft EIR explained that through EO B-30-15, the state aims to reduce statewide emissions by 40 percent below 1990 levels by 2030, with a trajectory toward achieving 80 percent below 1990 levels by 2050. Moreover, the Davis Climate Action and Adaptation Plan (D-CAAP) aims to exceed state goals by setting a carbon neutral target for the City to achieve by 2050. Goals 1 through 4 and their respective objectives set forth in the Nishi Sustainability Plans are designed to support the City of Davis' and UC Davis' long-term goals to achieve carbon neutrality by 2050, encourage sustainable design, and promote resource conservation. Although the Nishi development itself may not be able to achieve carbon neutrality by 2050, as discussed in Impact 4.7-3, the development would serve as a model for the rest of community in sustainable low-carbon land use development. Thus, the Nishi development would not conflict with or impede the goals of EO B-30-15 or the D-CAAP. However, the EIR concluded that unmitigated emissions from the proposed Nishi development would exceed AB 32 2020 reduction targets compared to business as usual conditions and SACOG MTP/SCS per capita targets, and this was identified as a significant impact.

The proposed Nishi Residential Development Project would be constructed on the Nishi site and would include similar uses as the Nishi Gateway project. As noted above, SB 32 codified the targets established by Executive Order B-30-15 for 2030, which set the next interim step in the State's continuing efforts to pursue the long-term target expressed in EOs S-3-05 and B-30-15 of 80 percent below 1990 emissions levels by 2050. YSAQMD's threshold of 1,100 MT CO_{2e}/year is aligned with the state-wide GHG target for 2020 mandated by AB 32 of 2006; however, YSAQMD has not developed a GHG threshold that is aligned with SB 32 of 2016, which mandates a state-wide GHG target for 2030. It is likely that the revised project would achieve similar levels of GHG emissions as described in Impact 4.7-3. Therefore, the project would conflict with SACOG MTP/SCS transportation emission reduction goals, and this impact would remain significant. Implementation of previously adopted Mitigation Measure 4.14-5, which requires the development and implementation of a transportation demand management program would reduce VMT generated by the project, as described on page 4.7-24 of the Draft EIR and would be expected to meet SACOG's 2035 regional target of 19.7 lb CO_{2e} per capita per day for mobile source GHG emissions. As a result, mitigated transportation-related GHG emissions would not exceed SACOG's 2020 and 2035 targets. However, due to the uncertainty related to the ability of West Olive Drive redevelopment to achieve SACOG MTP/SCS per capita transportation emission targets, this impact would be **significant and unavoidable**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measures were analyzed in the Nishi Gateway EIR and adopted by the City Council and would be implemented if the project were approved. Note that Mitigation Measures 4.7-2a and 4.7-2b have been revised to reflect the revised project. New text is shown with double underline and deleted text is shown with ~~strikeout~~.

Implement Mitigation Measure 4.14-5 (Transportation Demand Management program).

Mitigation Measure 4.7-2a: Each individual project or subdivision developed/constructed as a part of the Nishi Gateway Residential Development Project shall demonstrate consistency with the D-CAAP by achieving a downward trajectory in GHG emissions, towards the City goal of zero net GHG emissions by the year 2050. The project must achieve the target in place for the year in which the application (for any development within the Nishi site) is filed.

At the City’s discretion, compliance with this mitigation measure for different development activities associated with the same approval may occur at different stages in the development process depending on the nature of the project and may be based on the year that physical improvements are anticipated. GHG emissions associated with all activities must demonstrate consistency with this measure at the time of or before building permits are issued. Mitigation for buildings shall occur at the time the building permit is issued, and the amount of mitigation shall be based on the year the building permit is issued. Mitigation for other emissions from a project may occur at an earlier approval but no later than issuance of entitlements. The applicant may file and City may consider and approve a GHG mitigation plan that lays out the mitigation for different stages of development within the same subsequent project approval.

Prior to issuance of any subsequent entitlement or permit in the Nishi development, or alternatively prior to any approval taking effect, the applicant shall implement the following steps unless these steps have already been undertaken for the project through a prior approval or action:

1. Using CalEEMod or another model accepted for this purpose by the City, calculate total expected GHG emissions (all sectors) for the proposed project under two scenarios: a) 1990 emissions rates; and, b) emission rates applicable at the time of the application, taking into account applicable building standards and other adopted regulatory requirements, as well as building design, use of renewable energy, etc.
2. Calculate the difference between these two scenarios in step 1 as a percentage of the 1990 project emissions.
3. Compare the difference in emissions from step 2 to the required minimum emissions reduction schedule provided below:

Applications Filed On or Before	Minimum Required Reduction in GHG Emissions From Calculated 1990 Emissions
12/31/16	22.5
12/31/17	25.0
12/31/18	27.5
12/31/19	30.0
12/31/20	32.5
12/31/21	35.0
12/31/22	37.5
12/31/23	40.0
12/31/24	42.5
12/31/25	45.0
12/31/26	47.5
12/31/27	50.0
12/31/28	52.5
12/31/29	55.0
12/31/30	57.5... (2.5% increased reduction per year)
12/31/35	70.0... (2.5% increased reduction per year)
12/31/40	82.5... (2.5% increased reduction per year)
12/31/45	95.0... (2.5% increased reduction per year)
12/31/50	100.0

4. If the difference calculated in step 2 is greater than the required reduction in step 3, the Nishi development may “bank” this as a credit to use with later projects.
5. If the difference calculated in step 2 does not demonstrate the required reduction in step 3, applicant shall identify feasible actions to achieve the required reductions using the following priority:
 - First priority building specific actions
 - Second priority on-site (within Nishi site) actions
 - Third priority community based (within Davis) actions
 - Fourth priority pay GHG reduction fees (carbon offsets) into a qualified existing local program, if one is in place
 - Fifth priority other demonstrated method of reducing emissions
6. Calculate, using acceptable methods, the measurable GHG reduction value of each proposed action.
7. Provide a Technical Memorandum of Compliance (TMC) documenting the following minimum items: modeling (step 1); emissions calculations (step 2); applicable reduction (step 3); chosen feasible actions to achieve required reduction (step 4); and measurable GHG reduction value of each action (step 5). The TMC and all steps of the process are subject to review and authorization by the City of Davis Department of Community Development and Sustainability.
8. Implement the authorized actions and provide evidence of this to the City of Davis Department of Community Development and Sustainability. The City upon review and acceptance of implementation, shall issue the subject entitlement, permit, or approval.

Mitigation Measure 4.7-2b: Every 5 years the Nishi development shall submit a GHG Emissions Reduction Accounting and Program Effectiveness Report for the ~~project~~entire innovation center. The report shall be submitted by 12/31 of each fifth year starting in 2020. First report due by 12/31/20, second report due by 12/31/25, etc., through 2050.

The report shall identify the following minimum items. Other documentation requirements may be added by the City if found to be necessary to satisfy this mitigation measure.

1. Projected annual GHG emissions for the Nishi development, total and by sector, from the project EIR
2. GHG emissions from all uses collectively operating at the Nishi development, total and by sector, at the time of reporting.
3. GHG emissions from each occupied building within the Nishi development, total and by sector.
4. Summary of prior TMCs and 5-year reports
5. Running total of Nishi development emissions reductions and reduction credits, in total and by building
6. Comprehensive data base and summary of implemented reduction actions

CONCLUSION

No substantially new circumstances or project changes have occurred nor has substantial new information been found requiring new analysis or verification. Greenhouse gas emissions impacts would be similar to those discussed in the 2015 Draft EIR, and previously adopted Mitigation Measure 4.14.-5, 4.7-2a, and 4.7-2b, would reduce the magnitude of the impacts related to the attainment of goals established in applicable

climate action plans or greenhouse gas reductions plans to a less-than-significant level. The mitigation measures would reduce the magnitude of the impact related to operational greenhouse gas emissions; however, this impact would remain significant and unavoidable. The conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts related to greenhouse gas emissions and climate change.

4.8 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
8. Hazards and Hazardous Materials. Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Draft EIR Setting pp. 4.8-4 to 4.8-7 Impacts 4.8-1 and 4.8-3	No	No	Less than significant (same)
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Draft EIR Setting pp. 4.8-1 to 4.8-7 Impact 4.8-2	No	No	Less than significant with mitigation (same)
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Draft EIR page 4.8-13 No impact	No	No	No impact (same)
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Draft EIR Setting pp. 4.8-1 to 4.8-7 Impacts 4.8-2	No	No	Less than significant with mitigation (same)
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Draft EIR Setting pp. 4.8-6 to 4.8-7 Impact 4.8-4	No	No	Less than significant (same)
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working on the project area?	Draft EIR page 4.8-13 No Impact	No	No	No impact (same)
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Draft EIR Setting pp. 4.8-5 to 4.8-11 Impact 4.8-5 FEIR page 3-8 CEQA Findings of Fact page 41 (Resolution No. 16-013)	No	No	Less than significant with mitigation (same)
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Draft EIR page 4.8-13 No Impact	No	No	No impact (same)

4.8.1 Discussion

No substantial change in the environmental and regulatory settings related to hazards and hazardous materials, described in the Nishi Gateway Draft EIR, Section 4.8 Hazards and Hazardous Materials, has occurred since certification of the Nishi Gateway EIR.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

As discussed in Impact 4.8-1 of the 2015 Draft EIR, construction activities would temporarily increase the regional transportation, use, storage, and disposal of hazardous materials and petroleum products (such as diesel fuel, lubricants, paints and solvents, and cement products containing strong basic or acidic chemicals) that are commonly used at construction sites. Hazardous waste generated during construction may consist of welding materials, fuel and lubricant containers, paint and solvent containers, and cement products containing strong basic or acidic chemicals. Although the transportation of hazardous materials could result in accidental spills, leaks, toxic releases, fire, or explosion, the U.S. Department of Transportation, Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Title 49 of the CFR. These standard accident and hazardous materials recovery training and procedures are enforced by the state and followed by private state-licensed, certified, and bonded transportation companies and contractors. In addition, the project would be required to prepare a spill prevention and treatment plan for rapidly, effectively, and safely cleaning up and disposing of any spills or releases that may occur during construction. Project construction would also comply with the State Water Resources Control Board (SWRCB) Construction General Permit (2009-0009 DWQ), which requires spill prevention and containment plans to avoid spills and releases of hazardous materials and wastes into the environment. Compliance with the aforementioned regulations would minimize the potential risk of a spill or accidental release of hazardous materials during construction. The 2015 Draft EIR also identified some typical hazardous materials that would be used in varying amounts during operation of the proposed development, consisting mostly of typical household-type cleaning products and maintenance products. Additionally, grounds and landscape maintenance could utilize a wide variety of commercial products formulated with hazardous materials (including fuels, cleaners and degreasers, solvents, paints, lubricants, adhesives, sealers, and pesticides/herbicides). The 2015 Draft EIR concluded that adherence to existing regulations and compliance with the safety procedures mandated by applicable federal, state, and local laws and regulations would minimize the risks resulting from the routine transportation, use, storage, or disposal of hazardous materials or hazardous wastes associated with construction and implementation of the project to a less-than-significant level. Finally, the 2015 Draft EIR disclosed that development of the Nishi site would result in construction of residences in proximity to the UPRR line, which is used to transport potentially hazardous materials and flammable materials. Construction and operation of the project would not increase the hazard associated with operation of the highway and railroad but would increase the number of people potentially exposed to hazardous conditions. Specific project site developers would comply with all applicable federal, state, and local laws and regulations pertaining to the transport, use, disposal, handling, and storage of hazardous waste. The EIR concluded that project implementation would not increase the hazard associated with operation of the highway and railroad, and standard safety procedures would be enacted in the case of future release of potentially hazardous materials.

The Nishi Residential Development project would be located on the same Nishi site and would be similar to the previously-proposed plan, except that the research and development and for-sale residential components have been removed, retail uses have been reduced, and all of the residential development will all be for-rent units. The proposed project would consist of up to 37 buildings with for-rent units, small neighborhood-serving commercial uses, and open space and parking. Compliance with all applicable federal and state laws related to the storage of hazardous materials would be implemented to maximize containment (through safe handling and storage practices described above) and to provide for prompt and effective clean-up if an accidental release occurs. Similar to the Nishi Gateway project, the restriction of access at the one existing at-grade crossing of the UPRR line could reduce potential risks associated with upset conditions along the UPRR line. This would remain a **less-than-significant** impact.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

As explained on page 4.8-15 of the 2015 Draft EIR, there are no known sites of contamination within the boundaries of the Nishi site. Ten sites of potential concern because of known presence of contamination were identified within 1 mile of the project site. These include three leaking underground storage tank sites associated with gas stations and two former dry cleaner sites where the SWRCB is overseeing remediation and monitoring. There are three additional SWRCB clean-up sites and a California Department of Toxic Substances Control (DTSC) Voluntary Clean-up site that are associated with discharge from industrial use, and one site that is on the National Priorities List. The sites are generally to the northeast of the project site. An existing groundwater well is present in the central portion of the site, and the previous Phase I study reported limited soil staining associated with the presumed release of hydraulic oil at the irrigation well on site, and recommended excavation and removal of the effected soil (estimated at less than 1 cubic yard). Based on conditions at the site, it was presumed that this soil was excavated and removed from the site between publication of the Phase I in 1995 and the release of the Notice of Preparation in January of 2015. The 2015 Draft EIR concluded that, although there is no evidence of existing contamination on the Nishi site, there is a potential for contamination to be encountered during construction because of the proximity of documented contamination sites historical land use, and proximity to a major roadway and UPRR tracks.

The proposed Nishi Residential Development Project would be located on the same Nishi site and would include the same type of construction activity as described in the 2015 Draft EIR. Project construction could result in an impact related to the release of hazardous materials from undocumented contamination that has not been characterized or remediated. Implementation of previously adopted Mitigation Measures 4.8-2a through 4.8-2c would reduce this impact to a **less-than-significant** level after mitigation.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

As explained on page 4.8-13 of the 2015 Draft EIR, there are no school sites where children are present within 0.25 mile of the project site, and the project would not involve the operation of uses that would utilize hazardous or acutely hazardous materials beyond those normally associated with residential and office development. The EIR concluded that no impact would occur.

The Nishi Residential Development Project would be constructed on the Nishi site and would include similar uses as the Nishi Gateway project; however, the proposed project would not include a research and development component. The project would not involve the operation of uses that would utilize hazardous or acutely hazardous materials beyond those normally associated with residential and neighborhood commercial development, and **no impact** would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

As explained on page 4.8-15 of the 2015 Draft EIR, there are no known sites of contamination within the boundaries of the Nishi site. Hazardous materials databases maintained by state and federal agencies were reviewed, and 10 sites of potential concern because of known presence of contamination were identified within 1 mile of the project site. These include three leaking underground storage tank sites associated with gas stations and two former dry cleaner sites where the SWRCB is overseeing remediation and monitoring. There are three additional SWRCB clean-up sites and a DTSC Voluntary Clean-up site that are associated with discharge from industrial use, and one site that is on the National Priorities List. The sites are generally to the northeast of the project site. Assessments conducted at these sites have characterized the nature and extent of the contamination. Where groundwater is affected, there is limited potential for the contamination to migrate onto the Nishi site because of the distance between the identified sites and the Nishi site and the eastward groundwater flow.

The proposed Nishi Residential Development Project would be located on the same Nishi site and would include the same type of construction activity as described in the 2015 Draft EIR. Therefore, this would be a **less-than-significant** impact. See the discussion above, under b), for an analysis of the potential impact from undocumented contamination sites.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The project site is located approximately 2 miles east of University Airport. The airport has two runways that are oriented north-south. As discussed in Impact 4.8-4 of the 2015 Draft EIR, no maps of overflight areas or restricted land uses are available. However, based on the orientation of the runways perpendicular to the Nishi site, potential hazards associated with the project during take-off and approach to either runway are not anticipated. In addition, taking into account the recommended clearance slopes for each runway and considering the distance between the University Airport and the westernmost point of the Nishi site, proposed structures at the Nishi site would need to be approximately 500 feet in height to exceed the recommended clearance slope, and this was determined to be a less-than-significant impact.

The proposed Nishi Residential Development Project would be located on the same Nishi site as analyzed in the 2015 Draft EIR. The previous project includes condominium units up to five stories on top of ground-level parking, rental unit structures up to five stories with ground-level parking, research and development buildings up to three stories, and accessory retail development. The project would construct up to 37 buildings with for-rent units, two to three stories in height. It would also include small neighborhood-serving commercial uses, open space, and parking. Building heights would not exceed heights analyzed in the 2015 Draft EIR. Therefore, structures on the project site would not exceed the recommended clearance slope from the University Airport and would not interfere with existing airport operations, and this would remain a **less-than-significant** impact.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

As addressed on page 4.8-13 of the 2015 Draft EIR, there are no private airstrips located in the vicinity of the project site. As a result, impacts related to safety hazards associated with the operation of a private airstrip would not occur and no impact was identified.

The Nishi Residential Development Project would be located on the same project site as analyzed in the 2015 EIR, and there have been no changes to the setting related to the private airstrips. Therefore, **no impact** would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

As discussed in Impact 4.8-5 of the 2015 Draft EIR, the project would not impair implementation of an adopted emergency response or evacuation plan. Once developed, the site would have adequate access to afford evacuation of residents in the event of a hazardous materials event. The Draft EIR analyzed two access scenarios. The 2015 access scenario 1 included two project access points, one via an extension of the existing West Olive Drive and one via a new connection to Old Davis Road on the UC Davis campus, via a new underpass under the UPRR line. The 2015 access scenario 2 included only one project access point, via an extension of the existing West Olive Drive. The Nishi Gateway EIR (as revised in the Final EIR) concluded that prior to and during Phase 2 of construction for Access Scenario 1 and under Access Scenario 2, only one emergency vehicle access point may be available. Further, during construction, disruption of area roadways may hinder traffic flow (e.g., Richards Boulevard and intersection of Richards Boulevard and Olive Drive), which could negatively affect emergency response. This was identified as a potentially significant impact on the Draft EIR. As noted in the CEQA Findings of Fact and Statement of Overriding Considerations, the City Council modified the approved project to require that no occupancy would be allowed until both the West Olive Drive and Old Davis Road connections are provided. The operational impact was determined to

be less than significant in the Findings of Fact (City of Davis 2016) and Mitigation Measure 4.8-5 was not required.

Under the proposed Nishi Residential Development project, the project site would be accessed via a new connection between a new east-west street on the Nishi Property and Old Davis Road on the UC Davis campus. The new vehicle connection to Olive Drive would be for emergency vehicle and potentially transit vehicles only. Because the project would require the connection to Old Davis Road, this would be constructed first and not under a future construction Phase 2, as described in the 2015 Draft EIR. The proposed project would be built out in three continuous phases, and no certificates of occupancy will be issued until the underpass and roadway connection to Old Davis Road and the emergency access to Olive Drive are complete. Therefore, operation of the project would include two emergency vehicle access points at all times. Implementation of previously adopted Mitigation Measure 4.14-7 (Construction Traffic Management Plan) would reduce the magnitude of this impact. Similar to the conclusion made in the CEQA Findings of Fact, Mitigation Measure 4.8-5 is not required. This would be a **less-than-significant** after mitigation. This conclusion is the same conclusion as reached in the Nishi Gateway CEQA Findings of Fact.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

As identified on Nishi Gateway Draft EIR page 4.8-13, wildland fire is defined by the National Wildfire Coordinating Group as “any non-structure fire that occurs in vegetation or natural fuels” (National Wildfire Coordinating Group 2014). The Draft EIR explained that, although the Nishi site is actively farmed with winter wheat, all vegetation (except the trees that have been identified for preservation) would be cleared before earthwork on the site. Adjacent properties are developed or farmed and actively irrigated, and the EIR concluded that there is no potential for wildland fire on the project site.

The project would be located on the same project site as analyzed in the 2015 EIR. No changes to the location of the project have occurred and no changes to the risks from wildfires has occurred since approval of the Nishi Gateway Project; therefore, **no impact** would occur related to wildland fire.

Mitigation Measures

The following mitigation measures were analyzed in the Nishi Gateway EIR and adopted by the City Council and would continue to remain applicable if the project was approved.

Mitigation Measure 4.8-2a: Prior to initiation of grading or other groundwork, the applicant shall conduct soil sampling within the boundaries of the project site. This investigation will follow the American Society for Testing and Materials standards for preparation of a Phase II environmental site assessment and/or other appropriate testing guidelines. The assessment will include soil sampling consistent with DTSC’s guidelines for development of former agricultural properties. (The investigation is anticipated to include 57 borings and 15 composite samples for organochlorine pesticides and 15 discrete samples for arsenic, as well as soil sampling within 30 feet of the existing and pre-1974 alignment of I-80, at the edge of the railroad right-of-way, and near the active agricultural well.) If the results indicate that contamination exists at levels above regulatory action standards, then the site will be remediated in accordance with recommendations made by applicable regulatory agencies, including the Yolo County Environmental Health Division (YCEHD), RWQCB, and DTSC. The agencies involved shall depend on the type and extent of contamination.

Based on the results and recommendations of the investigation described above, the applicant shall prepare a work plan that identifies any necessary remediation activities, including excavation and removal of on-site contaminated soils, and redistribution of clean fill material on the project site. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil removed from the site.

Mitigation Measure 4.8-2b: Prior to initiation of grading or other groundwork, the applicant shall provide a hazardous materials contingency plan to YCEHD. The plan will describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of underground storage tanks or buried building material.

If at any time during the course of constructing the project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact YCEHD. Work shall not recommence until the discovery has been assessed/treated appropriately (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of YCEHD, RWQCB, and DTSC (as applicable).

The plan, and obligations to abide by and implement the plan, shall be incorporated into the construction and contract specifications of the project.

Mitigation Measure 4.8-2c: Prior to any ground disturbance activities within 50 feet of the well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit and properly abandon the on-site well, pursuant to review and approval by the City Engineer and the Yolo County Environmental Health Service Department. Well abandonment shall be completed before mass grading within 50 feet of the well.

Mitigation Measure 4.8-2d: Minimize potential for accidental release of hazardous materials during demolition. Prior to demolition of existing structures within West Olive Drive, the project applicant shall complete the following:

Locate and dispose of potentially hazardous materials in compliance with all applicable federal, state, and local laws. This shall include: (1) identify locations that could contain hazardous residues; (2) remove plumbing fixtures known to contain, or potentially containing, hazardous materials; (3) determine the waste classification of the debris; (4) package contaminated items and wastes; and (5) identify disposal site(s) permitted to accept such wastes.

Provide written documentation to the County that asbestos testing and abatement, as appropriate, has occurred in compliance with applicable federal, state, and local laws.

Provide written documentation to the County that lead-based paint testing and abatement, as appropriate, has been completed in accordance with applicable state and local laws and regulations. Abatement shall include the removal of lead contaminated soil (considered soil with lead concentrations greater than 400 parts per million in areas where children are likely to be present). If lead-contaminated soil is to be removed, the project applicant shall submit a soil management plan to YCEHD.

Implement Mitigation Measure 4.14-7 (Construction Traffic Management Plan).

CONCLUSION

No new circumstances or project changes related to hazards and hazardous materials have occurred nor has any new information been identified requiring new analysis or verification. Implementation of previously adopted Mitigation Measures 4.8-2a, 4.8-2b, 4.8-2c, and 4.8-2d would reduce impacts related to known or potential contamination sites to a less-than-significant level. Implementation of previously adopted Mitigation Measure 4.14-7 would reduce the impact related to emergency access to a less-than-significant level. The remainder of the conclusions of the Nishi Gateway EIR would be the same, and approval of the project would not result in new or substantially more severe significant impacts to hazards and hazardous materials.

4.9 HYDROLOGY AND WATER QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
9. Hydrology and Water Quality. Would the project:				
a. Violate any water quality standards or waste discharge requirements?	Draft EIR Setting pp. 4.9-1 to 4.9-4 Impacts 4.9-1 and 4.9-2 FEIR page 3-8	No	No	Less than Significant (same)
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Draft EIR Setting pp. 4.9-1 to 4.9-4 Impact 4.8-3	No	No	Less than Significant (same)
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Draft EIR Setting pp. 4.9-1 to 4.9-4 Impact 4.9-1 and 4.9-2.	No	No	Less than Significant (same)
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Draft EIR Setting pp. 4.9-1 to 4.9-4 Impact 4.9-4.	No	No	Less than significant with mitigation (same)
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Draft EIR Setting pp. 4.9-1 to 4.9-4 Impacts 4.9-1, 4.9-2, and 4.9-4.	No	No	Less than significant with mitigation (same)
f. Otherwise substantially degrade water quality?	Draft EIR Setting pp. 4.8-1 to 4.8-4 Impacts 4.9-1 and 4.9-2	No	No	Less than Significant (same)
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Draft EIR Setting pp. 4.9-1 to 4.9-4 Impact 4.9-5	No	No	Less than significant (same)
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Draft EIR Setting pp. 4.9-1 to 4.9-4 Impact 4.9-5	No	No	Less than significant (same)
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Draft EIR Setting pp. 4.9-1 to 4.9-4 Impact 4.9-5	No	No	Less than significant (same)
j. Inundation by seiche, tsunami, or mudflow?	Draft EIR page 4.9-11 No Impact	No	No	No Impact (same)

4.9.1 Discussion

No substantial change in the environmental and regulatory settings related to hydrology and water quality, described in Nishi Gateway Draft EIR Section 4.9, Hydrology and Water Quality, has occurred since certification of the Nishi Gateway EIR.

a) **Violate any water quality standards or waste discharge requirements?**

The 2015 Draft EIR explained that construction on the Nishi site could impact water quality through ground disturbance and erosion leading to sediment delivery, and the potential release of hazardous materials during construction. The EIR concluded that compliance with Central Valley RWQCB and USACE permit conditions would minimize the potential water quality impacts related to construction activities, resulting in a less-than-significant impact. The EIR also explained that development and operation could result in an increase in pollutants carried in stormwater runoff. However, drainage from the site would not be discharged to a surface water (Putah Creek channel is an abandoned channel which only receives stormwater runoff) and the project would be required to meet the City of Davis stormwater quality management standards which include low-impact development (LID) site design, source control, stormwater treatment, and regular maintenance of stormwater system components. Compliance with these standards would minimize potential for stormwater runoff generated by the Nishi Site to adversely impact water quality, and this was also identified as a less-than-significant impact.

The proposed Nishi Residential Development Project would be located on the same Nishi site and would include construction of similar elements as the Nishi Gateway Project, including residential buildings, a detention basin, and open space. Construction would exceed one acre and would therefore be required to comply with the statewide NPDES General Construction Permit (Order No. 2010-0014 DWQ), which requires the development of a site-specific SWPPP that would have to comply with established regulatory standards and would include site-specific BMPs that reduce the potential for impacts to water quality resulting from stormwater runoff. Project construction to replace the existing solid block wall structure across Putah Creek would likely require excavation and removal of the road and existing fill materials, removal of the walls and culvert, and excavation for the installation of the new bridge abutments and piers. Permanent disturbance associated with the bridge replacement would be less than 0.5 acres, and the project would require a USACE Nationwide Section 404 permit and a SWQCB Section 401 Water Quality Certification. The Section 401 water quality certification would be issued by the Central Valley RWQCB. To receive this certification the project must show that it would not create a violation of any water quality standards. Operation of the project would still require compliance with the City of Davis stormwater program, which operates under a MS4 NPDES permit from the Central Valley RWQCB. This permit requires the City to enforce a post-construction stormwater management program for new development and redevelopment. The City's Stormwater Management Plan includes control measures to improve the quality and reduce the quantity of stormwater runoff to protect receiving waters. Therefore, this would remain a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?**

Impact 4.9-3 in the 2015 Draft EIR explained that development of the Nishi site would create impervious surfaces which could increase runoff and reduce groundwater recharge within the vicinity of the project. However, the LID stormwater management components of the project would infiltrate precipitation on site and would minimize potential impacts to groundwater recharge. The EIR concluded this would be a less-than-significant impact.

The Nishi Residential Development Project would not substantially change development patterns and the amount of impermeable surface from that approved for the Nishi Gateway Project. The project would increase the amount of impervious surfaces on the project site and would concentrate runoff and increase the runoff from the developed areas of the site. The project would incorporate LID stormwater management measures that would infiltrate stormwater on-site to the maximum extent possible. The project would include a stormwater detention pond, similar to the Nishi Gateway project, which would have the capacity to capture and infiltrate the additional runoff generated by the proposed developed during a 100-year storm event. Additional LID features would be integrated into the project design to capture and infiltrate stormwater at the source of runoff. Therefore, this would remain a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?

See analysis under items a) and b), above. This would be a **less-than-significant** impact.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?

As explained in Impact 4.9-4 of the Draft EIR, the drainage system of the Nishi site would be designed to meet the requirements of the City of Davis stormwater management standards which would minimize the potential erosion and flooding risks to downstream properties. However, alteration of the existing drainage patterns on-site could affect drainage originating upstream of the property resulting in backwater conditions or flooding. This was identified as a potentially significant impact.

The Nishi Residential Development project would increase impervious surfaces and would alter the existing drainage pattern, potentially affecting properties upstream and downstream of the site. Upstream contributors to the site include the I-80 right-of-way and off-site flows from approximately 58 acres of land on the UC Davis campus west of the project site. Excess stormwater flows generated by the project would be discharged into the Putah Creek channel, which passes through residential properties in the area downstream. Flow from the project site would be directed to the proposed stormwater detention basin, from there flowing to the existing drainage ditch, and finally discharged to the Putah Creek channel. The detention basin is preliminarily designed to be 4.4 acre-feet. Construction of the detention basin would be completed based on final plans that would be designed and sized adequately for a 100-year storm event, as required by city drainage standards. If the proposed development prevented drainage flows from upstream areas from entering the site, it could create backwater conditions or flooding in upstream areas. On the downstream side, concentrated flows of runoff generated by the project could result in scouring and erosion of the Putah Creek channel at the discharge location and could contribute to increased risk of flooding. Implementation of previously adopted Mitigation Measure 4.9-4 would minimize the risk of backwater conditions or flooding on upstream properties resulting from alterations to the existing drainage system within the Nishi site. This mitigation measure, in combination with the existing City of Davis stormwater management regulations described above, would reduce the potential drainage and runoff impacts of development of the Nishi site. This would remain a **less-than-significant** impact after mitigation. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

See analysis under item a) and d) above. This would be a **less-than-significant** impact after mitigation.

f) Otherwise substantially degrade water quality?

See analysis under item a) above. This would be a **less-than-significant** impact.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

As explained in Impact 4.9-5 of the 2015 Draft EIR, a small portion of the northern part of the Nishi site is located in the Federal Emergency Management Agency 100-year flood zone. This space was not proposed for development. In addition, the existing crossing of Putah Creek channel would be replaced with a bridge structure which would reduce the potential obstruction of flood flows and reduce the potential for flooding. Failure of the Monticello dam would inundate the Nishi site with up to two meters of water for a period of approximately 24 hours. However, the dam structure is managed by the Bureau of Reclamation's (BOR) rigorous dam safety program and is capable to withstanding strong seismic shaking in the near vicinity.

Similar to the previous project, the Nishi Residential Development Project, the small portion of the northern part of the Nishi site that is located in the Federal Emergency Management Agency 100-year flood zone would be reserved for parks and greenways and would not be developed. The existing bridge structure over Putah Creek would be replaced to construct the emergency vehicle access. Similar to the previous conclusion, the potential for flooding of the Nishi site to impact 100-year flood waters or to be inundated as a result of dam failure would be a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

See analysis under item g) above. This would be a **less-than-significant** impact.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

See analysis under item g) above. This would be a **less-than-significant** impact.

j) Result in inundation by seiche, tsunami, or mudflow?

As discussed on Nishi Gateway Draft EIR page 4.9-10, tsunamis are large waves created by earthquakes, undersea landslides, or volcanic eruptions. Low-lying coastal areas such as tidal flats, marshes, and former bay margins that have been artificially filled are susceptible to inundation. A tsunami entering the narrow mouth of the San Francisco Bay would dissipate as the energy of the wave is allowed to spread through the wide and shallow waters of the bay and delta. The California Department of Conservation prepares tsunami inundation maps for coastal areas and all populated areas at risk to tsunami within the state based on the maximum tsunami threat for that area, and no areas of Yolo County are at risk from tsunami. Additionally, because the project site is distant from any large water bodies that could create seiche waves and located in level topography where the risk of mudflow is minimal, these issues were dismissed from further evaluation.

The Nishi Residential Development Project would be located on the same site as previously analyzed, and **no impact** would occur. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measure was analyzed in the Nishi Gateway EIR and adopted by the City Council and would be implemented if the project were approved.

Mitigation Measure 4.9-4: The Project Stormwater Quality Control Plan prepared for the City of Davis and before the issuance of building permits shall incorporate provisions to accommodate the existing volume of upstream drainage flows from the I-80 right-of-way and the 58-acre section of the UC Davis campus west of the project area. These flows may be conveyed directly through the site (pass-through) or infiltrated in part or in whole within the Nishi stormwater management system. Development of the Nishi site shall not create backwater conditions or upstream flooding.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid and approval of the project would not result in new or substantially more severe significant impacts to hydrology and water quality.

4.10 LAND USE AND PLANNING

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
10. Land Use and Planning. Would the project:				
a. Physically divide an established community?	Draft EIR pp. 4.10-8 to 4.10-9 No Impact	No	No	No Impact (same)
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Draft EIR Setting pp. 4.10-1 to 4.10-8 Impact 4.10-1	No	No	Less than significant (same)
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	Draft EIR Setting p. 3.1-1 to 3.1-9 Impact 3.1.3	No	No	No impact (same)

4.10.1 Discussion

No substantial change in the environmental and regulatory settings related to land use and planning, described in Nishi Gateway EIR Section 3.1, Land Use, has occurred since certification of the Nishi Gateway EIR.

a) Physically divide an established community?

As stated on pages 4.10-8 and 4.10-9 of the 2015 Draft EIR, the project site is currently divided from the rest of Davis by the railroad, I-80, and Richards Boulevard. Because it is already physically divided, there is no potential for the project to physically divide the community. This was identified as no impact related to physical division of an established community.

The proposed Nishi Residential Development Project is located on the Nishi site and is divided from the rest of Davis. Therefore, the project would not physically divide an established community. While the project would no longer include a vehicular connection to West Olive Drive, the project would still provide access to the Nishi site and eliminate existing barriers to access between UC Davis and the Nishi site by providing a safe crossing of the UPRR (with a new underpass). It would also increase access for bicycles and pedestrians (and possibly buses) between UC Davis, the Nishi site, and West Olive Drive. It is intended to add the Nishi site to the Davis community (inclusive of UC Davis) by providing access to the site, and at the same time, eliminating barriers to access between UC Davis and the Nishi site. There would continue to be **no impact** related to physical division of an established community. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The 2015 Draft EIR concluded that development of the Nishi site as part of the project would require a General Plan Amendment and rezoning to ensure the proposed development would comply with the applicable land use and zoning designations for the site. In addition, the project would be consistent with applicable General Plan goals and policies. This was identified as a less-than-significant impact.

The City of Davis General Plan includes policies related to coordinated land use and planning to minimize potential land use conflicts and incompatible uses. The features of the proposed development of the Nishi site and mitigation measures discussed in 2015 Draft EIR and reprinted here, as appropriate, are consistent with the policies of the City of Davis General Plan. The project site would be annexed from Yolo County to the City of Davis and a General Plan Amendment would be required to redesignate the project site from Agriculture to Medium High Density residential and Natural Habitat Area. The site would also be rezoned as part of the project from Agriculture-Intensive to Planned Development for multifamily residential and ancillary uses. The project would be consistent with the Planned Development designation, which allows for development that is in conformity with the General Plan. With these changes that would be required as part of the project, the proposed land uses within the project site would be consistent with the new land use and zoning designations. The General Plan Amendment and rezoning of the Nishi site would ensure that the project would not conflict with applicable plans or policies, and this would be a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

As stated in the 2015 Draft EIR, there are currently no approved habitat conservation plans applicable to the project site. The project site is within the proposed Yolo HCP/NCCP and the City of Davis is participating in the development of the Yolo HCP/NCCP. This was identified as no impact.

The proposed Nishi Residential Development project is located on the same Nishi site, and the Yolo HCP/NCCP has not been adopted. Because the project site is not located in a habitat conservation plan area, no conflict with an adopted habitat conservation plan would occur, and **no impact** would result. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

No mitigation measures were included in the Nishi Gateway Project EIR regarding land use and planning. No additional mitigation measures are required for this topic.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid and approval of the project would not result in new or substantially more severe significant impacts to land use and planning.

4.11 MINERAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
11. Mineral Resources. Would the Project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Draft EIR page 4.6-8 No Impact	No	No	No Impact (same)
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Draft EIR page 4.6-8 No Impact	No	No	No Impact (same)

4.11.1 Discussion and Conclusion

As stated on page 4.6-8 in Section 4.6, “Geology, Soils, and Mineral Resources” in the 2015 Draft EIR, the project site is located in an area mapped as MRZ-1, indicating that the site does not contain mineral resources. Additionally, the site is not included as a locally important mineral resource site. This was identified as no impact in the Draft EIR.

The proposed Nishi Residential Development Project would be located on the same Nishi site, which does not contain mineral resources. Therefore, there would be **no impact** related to mineral resources. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

4.12 NOISE

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
12. Noise. Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Draft EIR Setting pp. 4.11-5 to 4.11-16 Impacts 4.11-1, 4.11-3, 4.11-4, and 4.11-5	No	No	Significant and unavoidable (Construction) (same) Less than significant with mitigation (Operational stationary sources) (same) Significant and unavoidable (Operational mobile sources) (same)
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Draft EIR Setting pp. 4.11-5 to 4.11-10 Impacts 4.11-2 and 4.11-6	No	No	Less than significant (same)
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Draft EIR Setting pp. 4.11-5 to 4.11-16 Impacts 4.11-3, 4.11-4, and 4.11-5	No	No	Less than significant with mitigation (Operational stationary sources) (same) Significant and unavoidable (Operational mobile sources) (same)
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Draft EIR Setting pp. 4.11-5 to 4.11-16 Impacts 4.11-1, 4.11-3, 4.11-4, and 4.11-5	No	No	Significant and unavoidable (Construction) (same) Less than significant with mitigation (Operational stationary sources) (same) Significant and unavoidable (Operational mobile sources) (same)
e. For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Draft EIR p 4.11-18 No Impact	No	No	No Impact (same)
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Draft EIR p 4.11-18 No Impact	No	No	No Impact (same)

4.12.1 Discussion

No substantial change in the environmental and regulatory settings related to noise and vibration, described in Nishi Gateway Draft EIR Section 4.11, Noise and Vibration, has occurred since certification of the EIR. No new substantial noise sources have been introduced near the project since the Nishi Gateway EIR was prepared.

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Construction-Related Noise

The 2015 Draft EIR stated that project construction activities would involve the use of heavy-duty construction equipment and construction noise impacts would occur for off-site sensitive receptors as well as future planned on-site receptors. Although construction activities would be conducted in accordance with Davis Municipal Code 24.02.040 (b), construction activities may result in a substantial increase in ambient noise levels, especially to on-site residences.

The Nishi Residential Development Project would be constructed on the same project site. Although construction of the project would only occur during daytime hours and would result in noise levels below 86 A-weighted decibels (dBA) at the project boundary, consistent with Davis Municipal Code 24.02.040 (b), the project would result in a clearly noticeable increase in ambient noise at nearby on-site sensitive receptors. Implementation of previously adopted Mitigation Measure 4.11-1 would reduce the magnitude of this impact, but the impact would remain **significant and unavoidable** because the efficiency of Mitigation Measure 4.11-1 cannot be quantified, and it is undetermined as to how much construction noise levels could be reduced at future on-site residences. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Operation-Related Noise

The 2015 Draft EIR (Impacts 4.11-3 and 4.11-4) explained that development of the Nishi site would result in the operation of various new stationary noise sources (e.g., mechanical HVAC equipment, emergency electrical generators, parking lots, and noise from outdoor activity areas) and concluded this would be a significant impact to existing and future sensitive receptors.

Similar to the Nishi Gateway Project, specific locations for future noise sources on the project site are not known at this time. Thus, considering the proposed high density of land development in close proximity to existing sensitive receptors (e.g., the existing Solano Park Apartments) and future sensitive receptors on the project site, it is possible that new proposed HVAC units and emergency generators could create a noticeable increase from existing noise levels. Consequently, a substantial permanent increase in ambient noise levels (i.e., 5 dB) could occur and this would be a significant impact. Implementation of previously adopted Mitigation Measure 4.11-3 would require that all stationary noise sources are oriented, located, and designed in such a way that reduces noise exposure to ensure that stationary noise sources would comply with City noise standards for sensitive receptors and limit increases to existing noise levels to below significant levels (less than 5 dB increase), reducing this impact from stationary sources to a **less-than-significant level after mitigation**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

The 2015 Draft EIR Impact 4.11-5 also discussed the potential effects on sensitive receptors from mobile sources on roadways and from railroad sources, such as passing trains and train-warning horn events. The EIR concluded this would be a significant impact.

The Nishi Residential Development Project would be constructed on the same project site. Development of the project site would result in increased traffic volumes along affected roadways and would increase roadway noise levels in the vicinity of the project site. Additionally, the proposed on-site residential structures

would act as both receptors and barriers or reflectors of transportation noise sources. Existing receptors could experience louder train warning horn and pass-by events due to reflection from proposed Nishi residential buildings. Proposed sensitive receptors at the planned residential land uses would be exposed to exterior traffic noise levels that are conditionally acceptable under the City's noise standards, but could also be exposed to significant noise events (i.e. horn blasts) from passing trains that could disturb sleep. Resident-serving commercial land uses along I-80 would also experience noise levels that would be normally unacceptable under the City's noise standards. Because transportation noise could cause noise disturbances to both new and existing receptors, this impact is considered significant. Implementation of previously adopted Mitigation Measure 4.11-5a would reduce interior noise from I-80 at new sensitive receptors by ensuring that they are built in such a way as to attenuate interior noise levels to 45 dBA day-night average noise level, the City's interior noise standard for residential land uses. Successful implementation of Mitigation Measure 4.11-5b would not reduce train horn noise completely, because freight trains travelling eastbound would continue to activate their horns before entering the Davis Station. However, it would reduce the frequency of horn noise. In addition, Mitigation Measure 4.11-5a would not eliminate other noise from trains passing on the UPRR line. Passing trains would still be high noise level events that can reach up to 95dB at 100 feet. Implementation of previously adopted Mitigation Measure 4.11-5c would reduce impacts on existing receptors, at Solano Park Apartments and any other residences that could be affected by increased noise levels of passing trains reflected and amplified by the proposed Nishi residential buildings.

The implementation of previously adopted Mitigation Measures 4.11-5a through 5c would reduce most transportation noise impacts, except for disturbances to new receptors on the Nishi site. These receptors would still be exposed to sudden increases in noise levels from passing trains along the UPRR line, which can still occur during nighttime hours while residents are sleeping. Thus, this impact would remain **significant and unavoidable**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

As discussed in Impact 4.11-2 in the 2015 Draft EIR, site preparation and grading activities would likely require the use of construction equipment that would generate ground vibration. However, based on the anticipated equipment for construction of the project and the distance to nearby sensitive land uses, potential impacts to off-site existing residences or on-site proposed residences in use during construction would not be substantial. Impact 4.11-5 disclosed potential impact related to exposure to railroad vibrations. Trains passing along the UPRR may generate groundborne vibration levels that are perceptible on the project site. However, the EIR concluded that levels of groundborne vibration exposure at the nearest buildings would not exceed the applicable exposure criteria established by FTA or result in structural damage to the buildings, and stated the impact would be less than significant.

The Nishi Residential Development Project would be constructed on the same project site, and existing and future sensitive land uses would be exposed to similar levels of groundborne vibration from construction and from railroad operations as described in the 2015 Draft EIR. Future levels of ground vibration exposure at the nearest residential receptors would not exceed the criteria of 72 vibration decibels recommended for residential receptors by the Federal Transit Administration for evaluating human annoyance, and it can also be concluded that they would not cause any structural damage to the buildings. Therefore, this would be a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

See the discussion above under item a) for operation-related noise. Implementation of previously adopted Mitigation Measures 4.11-5a through 4.11-5c would reduce most transportation noise impacts, except for disturbances to new receptors on the Nishi site. These receptors would still be exposed to sudden increases in noise levels from passing trains along the UPRR line, which can still occur during nighttime hours while residents are sleeping. Thus, this impact would remain **significant and unavoidable**.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

See the discussion above under item a) for construction-related noise. Implementation of previously adopted Mitigation Measure 4.11-1 would reduce the magnitude of this impact, but the impact would remain **significant and unavoidable** because the efficiency of Mitigation Measure 4.11-1 cannot be quantified.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

As explained on page 4.11-18 of the 2015 Draft EIR, the University Airport, a public use airport, is located approximately 2 miles to the west of the project site. The project would not include a heliport as part of the planned development. Further, the project is not anticipated to increase air traffic and, based on noise monitoring conducted at the site, would not expose on-site receptors to excessive noise levels associated with airport operations, associated with the existing University Airport (located approximately two miles west of the project site). The EIR determined that no impact would occur.

The proposed project would result in construction in the same location as the previous Nishi Gateway project. Therefore, **no impact** would occur. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

As explained on page 4.11-18 of the 2015 Draft EIR, the project site is not located within two miles of an active private airstrip or heliport. The project would not include a heliport as part of the planned development, and the project is not anticipated to increase air traffic. The EIR determined no impact would occur, and this issue was not discussed further.

The proposed Nishi Residential Development Project would result in construction in the same location as the previous Nishi Gateway project. Therefore, **no impact** would occur. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measures were analyzed in the Nishi Gateway EIR and adopted by the City Council and would be implemented if the project were approved.

Mitigation Measure 4.11-1: The City shall require the applicant to implement the following noise reduction measures during project construction as directed by the City:

- ▲ All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses, and/or located such that existing or constructed topography blocks line-of-sight between affected noise-sensitive land uses and construction staging areas.
- ▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.
- ▲ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site) where feasible and consistent with building codes and other applicable laws and regulations.
- ▲ All construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. The self-adjusting backup alarms shall automatically adjust to 5 dBA over the surrounding background levels. All non-self-

adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels. In addition to the use of backup alarms, the construction contractor shall consider other techniques such as observers and the scheduling of construction activities so that alarm noise is minimized.

- ▲ The applicant or construction contractors shall post visible signs along the perimeter of the construction site that disclose construction times and duration. A contact number for a City of Davis enforcement officer shall be included where noise complaints can be filed and recorded. The applicant will be informed of any noise complaints and responsible for investigating complaints and implementing feasible and appropriate measures to reduce noise levels at receiving land uses. Such measures may include but are not limited to:
 - Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).
 - Install temporary noise curtains that meet the following parameters:
 - temporary noise curtains shall be installed as close as possible to the boundary of the construction site within the direct line of sight path of the nearby sensitive receptor(s).
 - temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.

Mitigation Measure 4.11-3: The project applicant shall implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources:

- ▲ All electrical generators shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.
- ▲ External mechanical equipment, including HVAC units, associated with buildings shall incorporate features designed to reduce noise emissions below the stationary noise source criteria. These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.
- ▲ Should R&D tenants require outdoor testing/activities, tenants shall submit exterior noise estimates for long-term and short-term research and development activities to the City for review and approval prior to implementation. Exterior noise levels shall be estimated for receptor distances equivalent to distances from on-site and off-site residential land uses and shall demonstrate compliance with City of Davis noise limits, as applicable.

Mitigation Measure 4.11-5a: Where feasible, locate new sensitive receptors such that the outdoor activity area (e.g., balcony or porch) is on the opposite side of the structure from the UPRR line such that the structure itself would provide a barrier between transportation noise and the outdoor activity areas.

Mitigation Measure 4.11-5b: The applicant shall work in conjunction with the City of Davis to pursue and establish a Quiet Zone with the Federal Railroad Administration at Arboretum Drive, adjacent to the Nishi property. Upon confirming the assessing and confirming the feasibility of establishing a Quiet Zone, the applicant and City shall proceed to apply for the Quiet Zone designation.

The application and procedural steps to establish a Quiet Zone adjacent to the project site shall commence concurrent with the start of initial site grading activities. The project applicant shall fund all studies associated with the application for the establishment of the Quiet Zone. The installation and construction of alternative safety measures associated with the Quiet Zone (including, but not limited to: signage, gates, etc.) shall be implemented by the project applicant.

Mitigation Measure 4.11-5c: The applicant shall design and construct the residential buildings along the rail line such that train horn events and noise from passing trains would not increase by more than 5 dBA SEL from existing SEL levels. These designs can include, but are not limited to:

- ▲ Incorporation of acoustically absorptive material, shape, angle, or overall design in building façade facing the railroad.
- ▲ Changing the shape of proposed buildings adjacent to the railroad and Solano Park Apartments such that noises from passing trains, including warning horns, are dispersed and not concentrated on sensitive receptors.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Noise impacts would be similar to those discussed in the 2015 Draft EIR, because the project would be constructed in the same location using similar construction equipment as described in the 2015 Draft EIR, would create similar types of new sensitive receptors, and would expose future sensitive receptors to the same types of noise as described in the 2015 Draft EIR. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts related to noise.

4.13 POPULATION AND HOUSING

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
13. Population and Housing. Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Draft EIR Setting pp. 4.12-1 to 4.12-5 Impact 4.12-1 and 4.12-2	No	No	Less than significant (same)
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Draft EIR page 4.12-5 No Impact	No	No	No Impact (same)
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Draft EIR page 4.12-5 No Impact	No	No	No Impact (same)

4.13.1 Discussion

No substantial change in the regulatory settings related to population and housing, described in Nishi Gateway Draft EIR Section 4.12, “Population and Housing,” has occurred since certification of the Nishi Gateway EIR.

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The 2015 Draft EIR analyzed the potential buildout of a mix of land uses consisting of rental and for-sale, high-density residential uses; research and development (R&D) space; accessory retail space; on-site stormwater detention; open spaces, including a public park, greenbelts, and private open space for the proposed residential uses; and surface/structure parking with solar panels.

A proposed development can cause indirect population growth when it increases demand for services in an area that is currently underserved by such services. For example, a major residential subdivision developed in a rural area could indirectly induce additional population growth by increasing demand for nearby commercial and retail facilities (e.g., supermarkets, gas stations, restaurants, entertainment, employment centers), as well as public services (e.g., police stations, fire stations, schools, libraries, and water and sewer treatment facilities). All of these support uses require employees, which require additional housing, which further increases population. A project can also induce indirect population growth by removing existing obstacles to development. An example would be extension of an oversized pipeline through vacant land, such that utility service is possible where it previously did not exist.

The 2015 Draft EIR explained that the project would not indirectly induce growth through increased demand for commercial and retail facilities, as it would include some accessory retail use; and, nearby shopping centers are located at the intersections of First and E Streets (approximately 0.1 mile northwest), and Cowell Boulevard and Pole Line (approximately 1 mile east).

Resolution No. 08-019, adopted by City Council on February 12, 2008, directed that an annual average growth guideline of one percent be implemented after considering internal housing needs and regional fair

share housing needs. One percent is equivalent to approximately 260 “base” housing units (that is, not including any units “exempted” by the 1 percent resolution). The 1 percent cap would be implemented through annual housing monitoring reports and, if needed, by new project approvals with development agreements and zoning conditions (that is, not implemented by a formal annual allocation system). This resolution established that the guideline is a cap not to be exceeded except for units that: (1) are specifically exempted, and (2) may be allowed by City Council as an infill project with extraordinary circumstances and community benefits. Specifically, exempted units included permanently affordable housing units, secondary units, and residential units within “vertical” mixed use buildings.

The 2015 Draft EIR disclosed City staff forecasts that projected building permits and growth would be well within the 1 percent growth cap resolution and would be lower when units exempted in the resolution (that is, affordable units, units in vertical mixed-use projects, and accessory dwelling units) are not included in the calculation. The Draft EIR concluded that the impact would be less than significant.

The proposed Nishi Residential Development project would result in 50 more residential units than proposed for the Nishi Gateway Project. The project would not include for-sale housing units. The project would include fewer commercial uses than the Nishi Gateway project and no research and development uses. Infrastructure associated with the 700 residential units and commercial uses would be extended from nearby utilities to serve the project, and adequate utilities services are available to serve the site; no additional capacity would be required that could allow for additional growth (see Section 4.14, Utilities).

The project would result in direct population growth through development of new housing units. Although the proposed development and population growth would result in environmental impacts, such impacts are evaluated throughout the 2015 Draft EIR and this addendum checklist, and additional potential impacts associated with induced population growth are not anticipated. Therefore, because the project would be consistent with growth projections by the City and UC Davis, was accounted for in historic and current planning documents, including as a solution to the City’s housing needs, this impact would be **less than significant**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

- b) **Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?**
- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

As discussed in on page 4.12-5 of the 2015 Draft EIR, no housing would be removed by the project, nor would there be any actions that would otherwise displace people. The proposed Nishi Residential Development Project would be constructed on the same site; therefore, there would be **no impact** associated with displacement of substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

No mitigation measures were included in the certified Nishi Gateway EIR regarding population and housing. No additional mitigation measures are required for the project for this issue.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid and approval of the project would not result in new or substantially more severe significant impacts to population and housing.

4.14 PUBLIC SERVICES

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
14. Public Services.				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any public services:				
i. Fire protection?	Draft EIR Setting pp. 4.13-1 to 4.13-2 Impact 4.13-1	No	No	Less than significant (same)
ii. Police protection?	Draft EIR Setting pp. 4.13-2 to 4.13-3 Impact 4.13-2	No	No	Less than significant (same)
iii. Schools?	Draft EIR Setting pp. 4.13-3 Impact 4.13-3	No	No	Less than significant (same)
iv. Parks?	See below in Section 4.15, Recreation	No	No	Less than significant (same)

4.14.1 Discussion

No substantial change in the environmental and regulatory settings related to public services, described in the Nishi Gateway Draft EIR Section 4.13, Public Services and Recreation, has occurred since certification of the EIR in February 2016.

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

Fire protection?

As discussed in Impact 4.13-1 of the 2015 Draft EIR, the project site is within a four-minute travel time of both Station 31 and Station 34 in Davis, which is consistent with the City’s target response time established in the General Plan. The EIR concluded the impact to fire protection services would be less than significant.

The proposed Nishi Residential Development Project would be constructed on the same project site and would be served by Station 31 and Station 34. Service can be provided at the same level as is provided to the rest of the service area without the need for additional facilities or equipment. The project could result in up to 280 additional residents than Nishi Gateway because the project proposes an increase in the

residential (rental) capacity. The project site is located within a 4-minute drive time of both Station 31 and Station 34, which is consistent with the temporary response time objective, but not the response time goal found in the General Plan. Service to the project site can be provided at the same level as is provided to the rest of the service area without the need for additional facilities or equipment and thus, the additional land uses are not anticipated to require additional fire services. The City collects impact fees from new development for purposes of maintaining adequate public facilities, including fire protection facilities, within the City. The City also reviews the adequacy of impact fees on an annual basis to ensure that the fee is commensurate with anticipated future facilities demands, assessed on a fair share basis for new development. As the project applicant would be required to pay these fees for development of the Nishi site, the funds collected would ensure that adequate fire facilities, including updates to older equipment, are maintained and provide for the Davis Fire Department. This impact would remain **less than significant**.

Police protection?

Impact 4.13-2 of the 2015 Draft EIR stated that there is no adopted City staffing ratio requiring a prescribed number of police officers per the City's population, and that the Davis Police Department anticipated that the Nishi site would be able to be served by existing facilities.

The proposed Nishi Residential Development Project would be constructed on the same project site and would result in an increase in the residential population and a decrease (elimination of) the research and development component of the Nishi Gateway Project. As discussed on page 4.13-12 of the 2015 Draft EIR, the City collects impact fees from new development based upon projected impacts from the development. The City also reviews the adequacy of impact fees on an annual basis to ensure that the fee is commensurate with anticipated future facilities demands, assessed on a fair share basis for new development. The Nishi site is anticipated to be adequately served by existing police facilities and not necessitate the construction of additional facilities. This would be a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Schools?

The 2015 Draft EIR explained that the Nishi Gateway Project would result in the addition of up to 650 new residential units and approximately 1,920 residents, and stated that the increase in population would result in the introduction of additional students to the Davis Joint Unified School District.

The proposed Nishi Residential Development Project would no longer include for-sale residential units; rather, the project would consist of all rental units and it is expected that 90 percent of the future residents would be UC Davis students. Therefore, it is expected that the number of future school-age children on the project site would be reduced from the estimated 226 new students described in Impact 4.13-3. Because the public schools that serve the project site were expected to have sufficient capacity to accommodate the anticipated additional students under the Nishi Gateway project, the magnitude of this impact would decrease, and this would remain a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Parks?

See the discussion, below, above under items 4.15a) and 4.15b). This would be a **less-than-significant** impact.

Mitigation Measures

No mitigation measures were included in the certified Nishi Gateway EIR regarding public services. No additional mitigation measures are required for the project.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Public services impacts would be similar to those discussed in the 2015 Draft EIR, because the project would be constructed in the same location with similar uses as described in the 2015 Draft EIR. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts related to public services.

4.15 RECREATION

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
15. Recreation.				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Draft EIR Setting pp. 4.13-4 to 4.13-7 Impact 4.13-4	No	No	Less than significant (same)
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Draft EIR Setting pp. 4.13-4 to 4.13-7 Impact 4.13-4	No	No	Less than significant (same)

4.15.1 Discussion

No substantial change in the environmental and regulatory settings related to recreation, described in the Nishi Gateway Draft EIR Section 4.13, Public Services and Recreation, has occurred since certification of the EIR in February 2016.

- a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- b) **Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

Impact 4.13-4 in the 2015 Draft EIR stated that development of the Nishi site would be required to provide 9.6 acres of parkland and 0.98 acre of open space to comply with the General Plan dedication standard and Quimby Act requirements, and concluded this impact would be less than significant.

The revised site plan proposes 7.1 acres of urban forest open space, as well as the existing 2 acres along Putah Creek, between the Nishi site and West Olive Drive. Additionally, the project would provide a 3.2-acre stormwater detention and open space area in the southwestern tip of the site. The detention area is not anticipated to have public access but may provide buffer, tree canopy, or habitat benefit to adjacent open space areas in addition to its primary purpose of reducing offsite stormwater flows. Altogether, 13.6 acres of open space would be provided at the project site in addition to the open spaces within the residential building areas of approximately 4 acres. Open spaces would be privately owned and maintained with easements for public access, where appropriate. The Putah Creek Parkway is located in a similar easement area and maintained by City. This would be continued under the project.

As discussed in the 2015 Draft EIR, the City General Plan also establishes park proximity standards for residential uses. The General Plan states that all residential dwellings should have a community park within 1.5 miles and a neighborhood park within 0.38 of a mile. The closest community park, Central Park, is located less than a half-mile from the project site. While there is not a neighborhood park located within 0.38 of a mile of the project site, the project includes internal open space areas appropriate to meet on-site recreational needs of project residents. Therefore, the project would be consistent with policies calling for recreational amenities, even if not meeting the General Plan park proximity standards.

Additionally, the project would include a roadway extension from the Nishi site to Old Davis Road that would remove a portion of the existing community garden space located within UC Davis. However, it is expected that the majority of the community garden would be retained/restored upon completion of the roadway extension and additional garden space would be provided within the Nishi site. As a result, the project would not result in the loss of a unique recreational opportunity.

Because the project would provide sufficient recreational space to meet the park requirements, the project is not anticipated to generate the need for additional parks within the City, and this impact would be **less than significant**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

No mitigation measures were included in the certified Nishi Gateway EIR regarding recreation, nor are any additional mitigation measures required the project.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Recreation impacts would be similar to those discussed in the 2015 Draft EIR, because the project would be constructed in the same location with similar uses as described in the 2015 Draft EIR. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts related to recreation.

4.16 TRANSPORTATION/TRAFFIC

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Project Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
16. Transportation/Traffic. Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Draft EIR Setting pp. 4.14-1 to 4.14-24 Impacts 4.14-1, 4.14-2, 4.14-3, 4.14-5, and 4.14-7 FEIR pages 3-8 and 3-9	No	No	Significant and unavoidable (Impacts 4.14-1 and 4.14-2) (same) Less than significant (Impact 4.14-3) (same) Less-than-significant with mitigation (Impacts 4.14-5 and 4.14-7) (same)
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	N/A	No	No	Less than significant
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	N/A	No	No	Less than significant
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	N/A	No	No	Less than significant
e. Result in inadequate emergency access?	Draft EIR Setting pp. 4.14-1 to 4.14-24 Impacts 4.14-6	No	No	Less-than-significant after mitigation (same)
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	Draft EIR Setting pp. 4.14-13 to 4.14-20 Impacts 4.14-8 and 4.14-9	No	No	Less-than-significant with mitigation (same)

4.16.1 Discussion

No substantial change in the regulatory settings related to transportation and traffic, described in the Nishi Gateway Project Draft EIR Section 4.14, Transportation and Circulation, has occurred since certification of the Nishi Gateway EIR. Recently approved projects in the vicinity since EIR certification in 2016 include a hotel project at 1111 Richards Boulevard and the Lincoln 40 project on Olive Drive. The hotel project was reapproved by the City Council in June 2017 for up to 110 rooms with approximately 6,500 square feet of

meeting room area and approximately 127 vehicle parking spaces. The Lincoln 40 project includes the demolition and removal of 24 dwelling units and the construction of 130 new units, with an occupancy of 708 residents. Also, the Sterling 5th Street Apartments were approved for 198 apartment units on 5th Street.

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The proposed Nishi Residential Development Project includes residential rental units with 2,200 student beds and 10,000 square feet of neighborhood serving retail uses. A total of 700 parking spaces would be provided for the student housing units. No parking would be provided for the neighborhood serving retail uses. The project would have a single access point via a connection to Old Davis Road on the UC Davis campus, via a new underpass under the UPRR line. Vehicles would not have access to West Olive Drive.

The vehicle trip generation for the revised Nishi Gateway Project is based on driveway counts collected in October 2016 at two student-oriented apartment complexes for the Lincoln 40 Project Draft EIR (June 2017). The two student-oriented apartment complexes are located on the south side of East Olive Drive to the east of the Nishi Gateway Project site: Lexington Apartments and Arbors Apartments.

A comparison of the trip generation estimates for the revised Nishi Gateway Project and the Nishi Gateway Project evaluated in the Nishi Gateway Project EIR in 2015 is provided in Table 4.14-1. For the ancillary retail uses, because no separate parking is provided and these retail establishments are internal to the housing development and intended for use by residents only, no additional vehicle trips are added, and this analysis conservatively uses the original 20,000 square feet of neighborhood serving retail uses. The revised Nishi Gateway Project would generate 286 fewer vehicle trips during the A.M. peak hour and 269 fewer vehicle trips during the P.M. peak hour, compared to the 2015 Nishi Gateway Project. This represents 68 percent fewer trips during the A.M. peak hour and 58 percent fewer trips during the P.M. peak hour than the 2015 Nishi Gateway Project.

Table 4.14-1 Trip Generation Comparison for Nishi Gateway Projects

Land Use	Quantity	Units ²	Daily Trips	A.M. Peak Hour Trips			P.M. Peak Hour Trips		
				In	Out	Total	In	Out	Total
2015 Nishi Gateway Draft EIR ^{1 2} : Total External Vehicle Trips ³	-	-	4,869	300	123	423	126	337	463
REVISED Nishi Gateway Project: Student Residential Units	2,200	students	2,772	52	85	137	97	97	194
DIFFERENCE: REVISED Project minus 2015 Project			-2,097	-248	-38	-286	-29	-240	-269

Notes:

¹ Nishi Gateway Project Draft EIR, June 2015.

² The Nishi Gateway Project evaluated in the 2015 EIR included 325,000 square feet of R&D/research office, 1,275 beds in student-oriented residential units, 298 market rental and for sale residential units, and 20,000 square feet of supporting retail space.

³ Table 4.14-8b, page 4.14-31, Nishi Gateway Project Draft EIR, June 2015.

The transportation assessment for the 2015 Nishi Gateway Project evaluated two different project access scenarios as described below:

- ▲ Access Scenario 1 (two project access points)
 - Access via an extension of the existing West Olive Drive

- Access via a new connection to Old Davis Road on the UC Davis campus, via a new underpass under the UPRR line
- ▲ Access Scenario 2 (one project access point)
 - Access via an extension of the existing West Olive Drive

As described above, the proposed Nishi Residential Development project would have a single access point via a connection to Old Davis Road on the UC Davis campus, via a new underpass under the UPRR line. Vehicles, with the exception of emergency vehicles and potentially buses, would not have access to West Olive Drive. All of the vehicle trips from the Nishi Residential Development Project would therefore connect to Old Davis Road on the UC Davis campus, with the exception of restricted bus-only access via Olive Drive. To assess whether the project would result in more vehicle trips to any portion of the transportation study area network, the revised project was added to the Davis citywide travel model. The trips added by the proposed project were then compared to the trips added to individual road segments by the 2015 Nishi Gateway Project. Table 4.14-2 provides a comparison of project-only trips on 12 road segments.

The distribution of project trips differs for the revised project, compared to the 2015 Nishi Gateway Project, due to a combination of changes in land use and project site access. A large share of the peak hour trips from the 2015 Nishi Gateway Project, in particular those commute trips generated by the research office and market residential units, were forecast to travel to and/from the site via I-80 and State Route 113. Most of the 2015 Nishi Gateway Project trips accessing the freeway would have used the I-80/Richards Boulevard interchange, given its proximity to the Nishi site. Under Access Scenario 1, with a connection to the UC Davis campus, a small share of the 2015 Nishi Gateway Project trips accessing the freeway would have used Old Davis Road to access the I-80/Old Davis interchange and 5th Street/Russell Boulevard to access the SR 113/Russell Boulevard interchange. The residents housed in the proposed Nishi Residential Development Project would have a substantially different trip distribution, with most weekday peak hour trips destined to local employment, shopping, restaurant, and recreational uses and a much smaller share of trips accessing I-80 and State Route 113.

Table 4.14-2 Comparison of Nishi Gateway Project Only Trips on Study Area Road Segments

Roadway	Road Segment	A.M. Peak: Project Only Trips			P.M. Peak: Project Only Trips		
		2015 Project	Revised Project	Difference	2015 Project	Revised Project	Difference
A Street	South of 5 th Street	13	7	-6	76	11	-65
B Street	South of 5 th Street	97	6	-91	36	11	-25
F Street	South of 5 th Street	4	3	-1	5	4	-1
3 rd Street	East of H Street	14	24	10	14	30	16
Richards Boulevard	South of Olive Drive	214	17	-197	316	22	-294
Richards Boulevard	North of I-80 EB On-ramp	74	13	-61	236	16	-220
Cowell Boulevard	Research Park Dr. to Drew Ave.	29	6	-23	51	8	-43
Old Davis Road	North of I-80 WB Off-ramp	45	12	-33	6	13	7
Old Davis Road	La Rue Rd. to Hilgard Ln.	48	12	-36	10	13	3
Old Davis Road	Hutchison Dr. to 1 st St.	157	125	-32	176	181	5
1 st Street	Old Davis Rd. to B St.	142	116	-26	96	167	71
1 st Street	D St. to E St.	35	69	34	39	91	52

Source: data compiled by Ascent Environmental, provided by Fehr & Peers 2017, Davis Citywide Travel Model

The largest difference in the number of project-only vehicle trips would occur on Richards Boulevard, between Olive Drive and the I-80 EB on-ramp, where the proposed project would add approximately 80–90 percent fewer peak hour vehicle trips than the 2015 Nishi Gateway Project. The only road segment that experiences a measurably greater number of peak hour project vehicle trips with the revised project, compared to the 2015 Nishi Gateway Project, is 1st Street (34 more project vehicle trips in A.M. peak hour, 50–70 more project vehicle trips in P.M. peak hour) in the Davis Core Area. All other road segments either experience a small increase (i.e., fewer than 20 more project vehicles per hour) in project trips or a net decrease in project vehicle trips compared to the 2015 Nishi Gateway Project. This includes Old Davis Road within the UC Davis campus, where the proposed project would result in a reduction in project vehicle trips during the A.M. peak hour and a small increase in project vehicle trips during the P.M. peak hour (i.e., fewer than 10 vehicles per hour) compared to the 2015 Nishi Gateway Project.

The proposed circulation network for the revised project would allow Unitrans to modify routes for buses that connect with South Davis to travel through the Nishi site to access Richards Boulevard via West Olive Drive. These buses currently use 1st Street and Richards Boulevard. The benefit for Unitrans is that this change would allow them to use higher capacity double-decker buses to serve South Davis. These buses are unable to travel through the Richards underpass due to vertical clearance limitations but would be able to travel through the new underpass constructed by the proposed Residential Development Project. For the Nishi Gateway Project EIR in 2015, Unitrans staff indicated they would realign Route M or W through the Nishi site with a stop at a central location under the two-access scenario. Subsequent discussions with Unitrans staff indicated that they would be more likely to realign Route W, as it connects to the Silo bus terminal on campus, and a realignment of Route W through the Nishi site would be more efficient. Route W provides service every 25 to 30 minutes during weekday A.M. and P.M. peak hours, with a total of four buses traveling in each direction along 1st Street and Richards Boulevard. Realignment of Route W through the Nishi site would slightly reduce congestion levels along 1st Street, east of B Street, and through the Richards Boulevard underpass. Route M would remain on its current route, with stops on 1st Street, through the Davis Core Area.

Based on a review of the difference in project-only trips described above, the proposed Nishi Residential Development Project would result in similar or reduced impacts at the study intersections evaluated in the Nishi Gateway Project EIR in 2015, with the exception of study intersections on 1st Street in the Davis Core Area. Per the City of Davis General Plan, level of service (LOS) F is acceptable for the City for the Davis Core Area (LOS F is acceptable and considered a “congested condition” during peak traffic hours for the Core Area and Richards Boulevard/Olive Drive intersections). LOS information was provided for study intersections along 1st Street in the Nishi Gateway Project EIR in 2015 for informational purposes, given the LOS policy. As such, the increase in vehicle trips generated by the proposed project along 1st Street would not cause a new significant impact.

As identified in Impact 4.14-1 in the Nishi Gateway Project EIR in 2015, the addition of project-related traffic associated with the revised Nishi Gateway Project would increase delay at local intersections outside Freeway Interchange Areas. As identified for the Nishi Gateway EIR in 2015, the intersection of Old Davis Road/California Avenue within UC Davis campus would exceed significance thresholds with the revised Nishi Gateway Project. This was concluded to be a **significant** impact. Previously adopted Mitigation Measure 4.14-1, Modifications to Roundabout at Intersection of Old Davis Road/La Rue Road, would therefore apply to the revised Nishi Gateway Project. This impact would be **significant and unavoidable** as identified in the previous EIR, as implementation of the mitigation measures would not be under the control of the City of Davis.

As identified in Impact 4.14-2 in the Nishi Gateway Project EIR in 2015, the addition of project-related traffic associated with the revised Nishi Gateway Project would increase delay at local intersections within the Richards Boulevard Freeway Interchange Area. As identified for the Nishi Gateway EIR in 2015, the intersections of Richards Boulevard/Private Driveways, Richards Boulevard/I-80 Westbound Ramps, and I-80/Eastbound Ramps would exceed significance thresholds with the revised Nishi Gateway Project. This would be a **significant** impact. Previously adopted Mitigation Measure 4.14-2, Roadway and Intersection Widening Within Richards Boulevard Interchange Area, would therefore apply to the proposed Nishi

Residential Development Project. Impact 4.14-2 would continue to be **significant and unavoidable** as identified in the previous Draft and Final EIR, as implementation of the mitigation measures would not be under the control of the City of Davis.

Similar to the discussion included in the Draft EIR for Impact 4.14-3, implementation of the project would not contribute substantial traffic volumes to freeway segments in the area such that LOS of the freeway segments would be considered unacceptable. This impact would remain **less than significant**.

As identified in Impact 4.14-5 in the Nishi Gateway Project EIR in 2015, the increase in vehicle miles traveled associated with the revised Nishi Gateway Project would be a potentially significant impact with the proposed Project. Previously adopted Mitigation Measure 4.14-5, Travel Demand Management Program, would therefore apply to the proposed project. Item 2 (d) (1) (i) of Mitigation Measure 4.14-5 shall be modified to reflect the trip generation levels of the proposed Nishi Residential Development Project as the new trip cap for monitoring purposes: 137 a.m. peak hour trips and 194 p.m. peak hour trips (see the revised mitigation measure text, below). The remainder of Mitigation Measure 4.14-5 remains unchanged. Implementation of Mitigation Measure 4.14-5 would reduce vehicle miles traveled impacts to a **less-than-significant** level.

As identified in Impact 4.14-7 in the Nishi Gateway Project EIR in 2015, construction activities and temporary construction vehicle traffic associated with the proposed Project would increase traffic congestion in the area and would be a potentially significant impact with the revised Nishi Gateway Project. Previously adopted Mitigation Measure 4.14-7, Construction Traffic Management Program, would therefore apply to the proposed project. Implementation of Mitigation Measure 4-14-7 would reduce construction transportation impacts to a **less-than-significant** level.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The Nishi Gateway Project EIR in 2015 did not identify any significant impacts related to county congestion management agency requirements or standards.

The revised Project would generate substantially fewer trips than the Nishi Gateway Project evaluated in the 2015 Nishi Gateway Project EIR. Therefore, the proposed Nishi Residential Development Project would result in a **less-than-significant** impact.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

As explained on page 4.11-18 of the 2015 Draft EIR, the University Airport, a public use airport, is located approximately 2 miles to the west of the project site. The project site is not located within two miles of an active private airstrip or heliport. The EIR did not identify an impact related to air traffic patterns.

The proposed project would result in construction in the same location as the previous Nishi Gateway project and is not anticipated to increase air traffic. As discussed in this checklist under item 4.18e), the proposed Nishi Residential Development Project would construct up to 30 buildings, two to three stories in height. Building heights would not exceed heights analyzed in the 2015 Draft EIR, and structures on the project site would not exceed the recommended clearance slope from the University Airport and would not interfere with existing airport operations. Therefore, this would be a **less-than-significant** impact.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Nishi Gateway Project EIR in 2015 did not identify any significant impacts related to hazards associated with a transportation design feature or incompatible use.

A review of a preliminary draft conceptual site diagram for the revised project provides limited information on the internal circulation network, but there is no indication of any planned transportation facilities that would increase hazards due to their design features, and future City street design would adhere to existing City standards. This would be a **less-than-significant** impact.

e) Result in inadequate emergency access?

The Nishi Gateway Project EIR in 2015 identified a potentially significant impact related to emergency vehicle access based on a conclusion that only one emergency vehicle access point may be available.

A review of a preliminary draft conceptual site diagram for the revised project indicates that access by all vehicles would be provided via a connection to Old Davis Road on the UC Davis campus. A second emergency vehicle access would be provided to the project site via a connection to West Olive Drive. Based on the preliminary draft conceptual site diagram, two emergency vehicle access points would be provided with the revised Nishi Gateway Project. As such, the proposed Nishi Residential Development Project would have a **less-than-significant** impact on emergency vehicle access. Mitigation Measure 4.8-5, Secure Emergency Access along UPRR Access Road, as identified in the Nishi Gateway Project EIR in 2015, would therefore not be required for the revised Nishi Gateway Project, similar to the conclusion made in the CEQA Findings of Fact.

The Nishi Gateway Project EIR in 2015 identified a potentially significant impact related to emergency vehicle access based on a conclusion that, during construction, disruption of area roadways may hinder traffic flow, which could negatively affect emergency response. This would also be a potentially significant impact during construction of the revised Project. Previously adopted Mitigation Measure 4.14-7, Construction Traffic Management Plan, would apply to the revised Nishi project. Implementation of Mitigation Measure 4.14-7 would reduce the impact to a **less-than-significant** level.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The Nishi Gateway Project EIR in 2015 identified potentially significant impacts related to pedestrian and bicycle facilities as well as transit services. These potential impacts would apply to the revised Nishi Gateway Project.

As identified in Impact 4.14-8 in the Nishi Gateway Project EIR in 2015, the addition of project-related bicycle and pedestrian traffic associated with the revised Nishi Gateway Project would result in a significant impact. Previously adopted Mitigation Measure 4.14-2, which includes a Fair Share Contribution to the Planned Cycle Track within the Richards Boulevard Interchange Area, would therefore apply to the revised Nishi Gateway Project. Implementation of Mitigation Measure 4-14-8 would reduce pedestrian and bicycle impacts to a **less-than-significant** level.

As identified in Impact 4.14-9 in the Nishi Gateway Project EIR in 2015, the addition of project-related transit ridership associated with the revised Nishi Gateway Project would result in a significant impact. Previously adopted Mitigation Measure 4.14-9, New Bus Stops, would therefore apply to the revised Nishi Gateway Project. Implementation of Mitigation Measure 4-14-9 would reduce transit service impacts to a **less-than-significant** level.

Mitigation Measures

The following mitigation measures were analyzed in the Nishi Gateway EIR (as revised by the Final EIR and CEQA Findings of Fact) and adopted by the City Council and would be implemented if the project were approved. Note that Mitigation Measure 4.14-5 has been revised to reflect the updated data reported in this Addendum. New text is shown with double underline and deleted text is shown with ~~strikeout~~.

Mitigation Measure 4.14-1: The project applicant shall fund the design and construction of modifications to the single lane roundabout at the intersection of Old Davis Road/La Rue Road.

These modifications will consist of constructing a right-turn bypass lane from southbound La Rue Road to westbound Old Davis Road. Implementation of this mitigation measure will improve LOS to D or better. The roundabout design shall be reviewed and approved by the University before implementation.

Mitigation Measure 4.14-2: The project applicant shall implement the following measures related to roadway and intersection widening within the Richards Boulevard interchange area.

Phase 1 Improvements

The project applicant shall either make a fair share contribution for the following Phase 1 improvements prior to initiation of construction of Phase 1 or conduct a focused traffic assessment to provide a more detailed assessment of the mitigation trigger timing.

- ▲ Richards Boulevard/Olive Drive:
 - ▶ Widen the south leg of Richards Boulevard to add a second northbound left turn lane (from northbound Richards to westbound Olive Drive) with a storage length of approximately 250 feet. Widen the north leg of Richards Boulevard to add a second southbound through/turn lane. The widening of the south leg may require some widening of the approach to the underpass and construction of new retaining walls to support the new turn lane. No modification of the existing underpass is required.
 - ▶ Widen the west leg of West Olive Drive to provide two westbound lanes and three eastbound lanes. The eastbound lanes on West Olive Drive at Richards Boulevard shall include a left turn lane, a through lane, and a right turn lane. On-street bike lanes, which may include either a sharrow (shared bike and vehicle lane) or dedicated bike lane, shall be provided on West Olive Drive.
- ▲ Richards Boulevard/Private Driveways: Place barriers in the median of Richards Boulevard to restrict driveway access, between West Olive Drive and the I-80 westbound ramps, to right-in, right-out movements only.
- ▲ Richards Boulevard/I-80 Westbound Ramps: Realign the westbound ramps to eliminate the two loop ramps to provide a diamond ramp configuration and install a traffic signal. Provide an exclusive left turn lane and two exclusive right turn lanes on the westbound off-ramp approach. Provide one through lane and two exclusive left turn lanes on the northbound approach. Provide two through lanes and an exclusive right turn lane on the southbound approach. The southbound right turn lane shall extend from just south of the existing Cafe Italia driveway to the new westbound on-ramp entrance.

Phase 2 Improvements

The project applicant shall contribute appropriate funds for the following Phase 2 improvements, which shall be constructed before occupancy of project uses that would generate fifty percent or more of the forecast project a.m. peak hour trips. Alternately, the project applicant may conduct a focused traffic assessment to provide a more detailed assessment of the mitigation trigger timing.

- ▲ Richards Boulevard/Eastbound Off-Ramp: Widen the eastbound off-ramp to provide a second exclusive left turn lane.
- ▲ Richards Boulevard Bicycle Cycle Track: construct a separated cycle track on the west side of Richards Boulevard from West Olive Drive to Research Park Drive.
- ▲ Richards Boulevard / Eastbound On-Ramp: Provide ramp metering for the eastbound I-80 on-ramp.

Mitigation Measure 4.14-5: Before issuance of the first building permit, the applicant shall prepare a transportation demand management (TDM) program, including any anticipated phasing, and submit it to the City Department of Public Works for review and approval. The TDM program must be designed to achieve the following.

1. Reduce trips to achieve one and five-tenths (1.5) average vehicle ridership (AVR) in accordance with Davis Municipal Code Section 22.15.060;
2. Reduce daily and peak hour vehicle trips, as forecast for the project in this transportation impact assessment, by 10 percent for every project phase, and
3. Reduce daily VMT by a minimum of 20 percent.

The management entity shall be responsible for implementing the TDM Program.

- (a) The plan shall identify trip reduction/TDM proposed programs and strategies to achieve the above objectives that may include, but are not limited to, the following. The following programs and strategies are described in more detail in the Nishi Gateway Project Sustainability Implementation Plan.
 - (1) Bicycle Infrastructure and Incentives;
 - (2) Transit Infrastructure and Incentives;
 - (3) Work Force Housing;
 - (4) Parking Pricing and Supply Management;
 - (5) Transportation Management Association Membership and Program Management;
 - (6) Innovative Electric Vehicle Infrastructure and Shared Fleet;
 - (7) Additional Implementing Actions – Subsidized Bikeshare Membership, Subsidized Carshare Membership, Ride Sharing Program, and Vanpool Program.
- (b) Single-phase development projects shall achieve TDM AVR objectives within five (5) years of issuance of any certificate of occupancy. Multi-phased projects shall achieve the objectives for each phase within three (3) years of the issuance of any certificate of occupancy.
- (c) In conjunction with final map approval, recorded codes, covenants and restrictions (CC&Rs) shall include provisions to guarantee adherence to the TDM objectives and perpetual operation of the TDM program regardless of property ownership, inform all subsequent property owners of the requirements imposed herein, and identify potential consequences of nonperformance. Each space use agreement (i.e., lease document) shall also include TDM provisions for the site as a means to inform and commit tenants to, and participate in, helping specific applicable developments meet TDM performance requirements.
- (d) Ongoing reporting:
 - (1) **Annual TDM Report.** The Management Entity for the Project shall submit an annual status report on the TDM program to the City Department of Public Works beginning a year after the issuance of any certificate of occupancy and no less than five (5) years after buildout. Data shall be collected in October of each year and the Annual Report submitted by December 31 of each year. The report shall be prepared in the form and format designated by the City, which must either approve or disapprove the program within sixty (60) days.

- i. The TDM performance reports shall focus on the trip reduction incentives offered by the project, their effectiveness, the estimated greenhouse gas (GHG) emissions generated by the project, and the methods by which Carbon Neutrality will be achieved. The report shall:
 - ▲ report the AVR levels attained;
 - ▲ verify the TDM plan incentives that have been offered;
 - ▲ describe the use of those incentives offered by employers;
 - ▲ evaluate why the plan did or did not work to achieve the AVR targets and explain why the revised plan is more likely to achieve the AVR target levels;
 - ▲ list additional incentives which can be reasonably expected to correct deficiencies;
 - ▲ evaluate the feasibility and effectiveness of trip reduction/TDM program and strategies, as implemented;
 - ▲ estimate the greenhouse gas emissions generated by Project transportation operations; and
 - ▲ identify off-setting GHG credits to be secured by the Project to achieve carbon neutrality.
- ii. The Management Entity shall conduct employee travel surveys annually to determine TDM program participation, AVR levels, and estimated mode shares, and monitor weekday a.m. and p.m. peak-hour traffic operations every 3 years at all impact locations identified in this EIR, comparing the operating LOS with the relevant standards in this EIR. The survey instrument and LOS monitoring plan will be reviewed and approved by the City before implementation.
- iii. The Management Entity shall also develop and implement a program to monitor daily and peak hour traffic volumes entering and exiting the site, to be conducted annually. The monitoring shall demonstrate that the external vehicle trip generation remains below the EIR Addendum projection for the Nishi Residential Development Project of 137 425 a.m. peak-hour trips and 194 465 p.m. peak-hour trips. The monitoring program may include statistical considerations to ensure that non-statistically significant increases do not constitute violation of the trip ceiling.
- iv. If the trip ceiling is exceeded for any two consecutive years, the Management Entity will contribute funding to be determined in a separate study, subject to review and approval by the City of Davis, toward the provision of additional or more intensive travel demand management programs, such as enhanced regional transit service to the site, employee shuttles, subsidies for existing transit service, bicycle facilities, and/or make multi-modal street improvement and other potential measures.
- v. In the event that other TDM objectives are not met as documented in the Annual Monitoring Report submitted by December 31 of each year, the Management Entity shall:
 - ▲ Submit to the City within thirty (30) days of submittal of the annual report, a list of TDM measures that will be implemented to meet the TDM objectives within one hundred eighty (180) days of submittal of annual report. At the end of the one-hundred-eighty-day period, the Management Entity shall submit a revised performance report to determine compliance with TDM objectives. No further measures will be necessary if the TDM objectives are met.

Mitigation Measure 4.14-7: Before any construction activities for the project site, the project applicant shall prepare a detailed Construction Traffic Control Plan and submit it for review and approval by the City Department of Public Works. The applicant and the City shall consult with Caltrans, Unitrans, Yolobus, and local emergency service providers for their input before approving the Plan. The plan shall ensure that acceptable operating conditions on local roadways and freeway facilities are maintained during construction. At a minimum, the plan shall include:

- ▲ the number of truck trips, time, and day of street closures;
- ▲ time of day of arrival and departure of trucks;
- ▲ limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting;
- ▲ provision of a truck circulation pattern;
- ▲ provision of driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick up and drop off areas);
- ▲ maintain safe and efficient access routes for emergency vehicles;
- ▲ manual traffic control when necessary;
- ▲ proper advance warning and posted signage concerning street closures; and
- ▲ provisions for pedestrian and bicycle safety, including maintaining a clear path for cyclists and pedestrians along the Putah Creek bike path throughout construction.

A copy of the construction traffic control plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct roadways.

Mitigation Measure 4.14-9: ~~If Access Scenario 1 (2 access points) is adopted, the~~ project applicant shall fund and construct new bus stops within the project site ~~on the West Olive Drive Extension~~, at a central location in the project site upon occupancy of the first building. The improvements can be constructed within the existing right-of-way. The project applicant shall prepare design plans, to be reviewed and approved by the City Public Works Department, and construct bus stops with shelters, paved pedestrian waiting areas, lighting, real time transit information signage, and pedestrian connections between the new bus stops and all buildings on the project site.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid and approval of the project would not result in new or substantially more severe significant impacts to transportation and traffic.

4.17 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Area	Where Impact Was Analyzed in the Nishi Gateway Draft and Final EIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Nishi Gateway EIR and Residential Development Project Addendum Impact Conclusions
17. Utilities and Service Systems. Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	See Item 4.9a), above	No	No	Less than significant (same)
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Draft EIR Setting pp. 4.15-7 to 4.15-8 Impact 4.15-3	No	No	Less than significant with mitigation (same)
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	See Item 4.9d), above	No	No	Less than significant with mitigation (same)
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Draft EIR Setting pp. 4.15-1 to 4.15-7	No	No	Less than significant (same)
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Draft EIR Setting pp. 4.15-7 to 4.15-8 Impact 4.15-3	No	No	N/A (Nishi Gateway) Less than significant (Nishi Residential Development)
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Draft EIR Setting pp. 4.15-8 to 4.15-9 Impact 4.15-4	No	No	Less than significant (same)
g. Comply with federal, state, and local statutes and regulations related to solid waste?	Draft EIR Setting pp. 4.15-8 to 4.15-9 Impact 4.15-4	No	No	Less than significant (same)
h. Create demand for natural gas, electricity, telephone, and other utility services that cannot be met.	Draft EIR Setting page 4.15-9 Impact 4.15-4	No	No	Less than significant (same)
i. Result in inefficient, wasteful, and unnecessary consumption of energy.	Draft EIR Setting page 4.7-3 Impact 4.7-4 (Greenhouse Gas Emissions and Energy)	No	No	Less than significant (same)

4.17.1 Discussion

No substantial change in the environmental and regulatory settings related to public utilities, described in the Nishi Gateway Draft EIR Section 4.15, Utilities, has occurred since certification of the EIR in February 2016.

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

See the discussion above under checklist item 4.9a). This would be a **less-than-significant** impact.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

As explained in Impact 4.14-3 in the 2015 Draft EIR, development of the Nishi site would increase wastewater generation and demands on wastewater infrastructure in the vicinity of the project site and in the City. The EIR concluded that, based on City sewer generation factors, existing sewer pipelines in the area do not have adequate capacity to accommodate peak wet weather flows with operation of the Nishi site. It was anticipated that peak wet weather flows as a result of development within the Nishi site would exceed the capacity of existing infrastructure in the immediate vicinity of the project site, and this was identified as a significant impact.

The proposed Nishi Residential Development project would result in 50 more residential units than proposed for the Nishi Gateway Project. The project would not include for-sale housing units. The project could result in up to 280 additional residents than Nishi Gateway because the project proposes an increase in the residential (rental) capacity. The project would include less commercial uses than the Nishi Gateway project and no research and development uses. As described on page 4.14-20 of the Draft EIR, the project would be served by the City's existing sewer collection and treatment infrastructure, including the City wastewater treatment plan and the 8-inch sewer line within Olive Drive in the eastern portion of the project site. It is expected that adequate capacity is available at the City's WWTP to accommodate the wastewater generated by the proposed project. Implementation of previously adopted Mitigation Measure 4.15-3 would require coordination with the City of Davis Public Works Department to conduct a refined engineering analysis and to provide replacement of the existing 8-inch sewer line within Olive Drive with a 12-inch pipeline, as a minimum. This impact would be **less than significant after mitigation**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

See the discussion above under checklist item 4.9d). This would be a **less-than-significant** impact after mitigation. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

As explained in Impact 4.15-1 in the 2015 Draft EIR, development of the Nishi site would increase potable water demand within the City. The EIR concluded that adequate water supplies are available to serve the demands at the Nishi site without the need for additional entitlements and this was identified as a less-than-significant impact.

The proposed Nishi Residential Development project would result in 50 more residential units than proposed for the Nishi Gateway Project. The project would not include for-sale housing units. The project could result in up to 280 additional residents than Nishi Gateway because the project proposes an increase in the residential (rental) capacity. The project would include fewer commercial uses than the Nishi Gateway

project and no research and development uses. While the water demand for the different land uses would change, it is not expected that the total water demand for the project would increase. Previously, the Office and Research and Development component of the project accounted for approximately 13 percent of the water demand. An increase of approximately 7 percent of the residential units is not expected to result in water demand that would exceed the 27,534 gallons per day identified for the Office and Research and Development land use. Therefore, sufficient water supplies would be available to serve the anticipated water demand of the Nishi site from existing resources and entitlements and to continue to serve the site at existing levels in the long-term. This impact would remain **less than significant**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

See the discussion above under checklist item d), above, in this section. Regarding the capacity of the existing wastewater treatment plant, this would be a **less-than-significant** impact. This is consistent with the analysis in the Nishi Gateway EIR.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Impact 4.15-4 in the 2015 Draft EIR explained that development of new residential and non-residential uses at the project site would increase the demand for solid waste collection and disposal; however, the solid waste generated by proposed development would not exceed the permitted capacity of the Yolo County Central Landfill, which would receive solid waste from the project site. This was identified as a less-than-significant impact.

The proposed Nishi Residential Development project would result in 50 more residential units and up to 280 additional residents than Nishi Gateway because the project proposes an increase in the residential (rental) capacity. The project would include less commercial uses than the Nishi Gateway project and no research and development uses. The project would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. Specifically, Chapter 32 of the City's Municipal Code regulates the management of garbage, recyclables, and other wastes. Chapter 32 sets forth solid waste collection and disposal requirements for residential and commercial customers, and addresses yard waste, hazardous materials, recyclables, and other forms of solid waste. The total permitted capacity at the Yolo County Central Landfill is expected to accommodate an operational life of about 68 years (January 1, 2081). The addition of solid waste as a result of the proposed project would not exceed the landfill's permitted daily throughput nor substantially affect the total permitting capacity of the landfill. This would remain a **less-than-significant** impact. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

h) Create demand for natural gas, electricity, telephone, and other utility services that cannot be met.

Impact 4.15-5 in the 2015 Draft EIR concluded that, because minor electrical and natural gas infrastructure improvements/connections related to the project would be constructed within the project site and connect to existing infrastructure, and no off-site improvements are anticipated to accommodate the electricity and natural gas demands of the project, impacts associated with the construction of new electrical and natural gas facilities would be less than significant.

The proposed Nishi Residential Development Project would increase demands for electricity and natural gas and would require connections to existing utility lines in the area. Electrical power would be provided to the project site via existing power lines located adjacent to the western boundary of the project site. Natural gas

would be delivered to the project site via a distribution natural gas line within West Olive Drive. As development of the project site was included as part of previous and current local and regional planning efforts and as PG&E incorporates those planning efforts and associated growth projections as part of its assessment of infrastructure, no off-site infrastructure is anticipated to be required. This would remain a **less-than-significant** impact.

i) Result in inefficient, wasteful, and unnecessary consumption of energy.

As described in Impact 4.7-4 in Section 4.7, “Greenhouse Gas Emissions and Energy,” of the 2015 Draft EIR, development of the Nishi site would result in energy use as a result of both short-term construction and long-term operational activities. This was determined to be a less-than-significant impact.

With implementation of the proposed Nishi Residential Development Project, mobile energy use would include consumption of gasoline, diesel, natural gas, electricity, or other fuels to be used in motor vehicles. Stationary energy use, which would occur predominantly during operation of the project, would include electricity and natural gas in building heating and cooling systems, lighting, appliances, or other activities within buildings or site infrastructure; as well as off-site energy use for pumping water and wastewater.

Construction activities at the project site would occur periodically for a period of approximately five to six years. During construction, energy used during project construction and operation would be expended in the form of electricity, gasoline, and diesel fuel, which would be used primarily by construction equipment and haul trucks travelling to and from the project site during construction. The energy used for project construction would not require significant additional capacity or significantly increase peak or base period demands for electricity and other forms of energy. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy efficient than those used at comparable construction sites in other parts of the State. Idling of on-site equipment during construction would be limited to no more than five minutes in accordance with YSAQMD requirements. Further, on-site construction equipment may include alternatively-fueled vehicles (such as natural gas) where feasible. Furthermore, the selected construction contractors would use the best available engineering techniques, construction and design practices, and equipment operating procedures, thereby ensuring that the wasteful consumption of fuels and use of energy would not occur. Energy efficiency is also expected for the off-site production of construction materials, based on the economic incentive for efficiency. Non-renewable energy would not be consumed in a wasteful, inefficient, or unnecessary manner when compared to other construction sites in the region.

Project operation would be typical of residential and small retail uses, requiring electricity and natural gas for lighting, climate control, and day-to-day activities. As noted above, the proposed project would no longer include the research and development component. Operational energy use would also include landscape maintenance. Indirect energy use would include wastewater treatment and solid waste removal. The project would include additional on-site efficiency measures, including rooftop and surface parking lot solar panels to reduce electricity consumption and increase efficiency further. With respect to energy/fuel consumption related to vehicle usage, the project would include design measures to encourage the use of pedestrian and bicycle trails and transit opportunities, such as connection to existing facilities within the Putah Creek channel, along Richards Boulevard, and on UC Davis campus. Further, previously adopted Mitigation Measure 4.14-5 would reduce project-related VMT through transportation demand management, thereby increasing the efficiency of fuel consumption.

According to Appendix F of the CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. While the project would increase the overall energy demand in the City of Davis, the project would reduce energy use compared to similar and existing development within UC Davis, thereby providing a relatively energy efficient community, and would encourage use of renewable energy sources and alternatives to travel by personal vehicle. As a result, the project would not result in an inefficient or wasteful consumption of energy. This impact would be **less than significant**. This conclusion is the same conclusion as reached in the Nishi Gateway EIR.

Mitigation Measures

The following mitigation measures were included in the Nishi Gateway EIR analysis and would be implemented if the project were approved.

Mitigation Measure 4.15-2: Prior to approval of improvement plans for construction at the Nishi site, the applicant shall coordinate with the City of Davis Public Works Department to fund and replace approximately 3,000 feet of the existing 6" and 10" water lines within Olive Drive, east of Richards Boulevard, with a 12" pipe. This improvement shall be completed before initiation of operation of land uses within the Nishi site.

Mitigation Measure 4.15-3: Prior to issuance of building permits for the Nishi site, the applicant shall coordinate with the City of Davis Public Works Department and conduct a refined engineering analysis, including flow monitoring, of existing sewer lines between the project site and Sewer Lift Station No. 4 to confirm adequate flow capacity. At a minimum, the applicant shall replace the existing 8" sewer line within Olive Drive with a 12" pipe. Should additional sewer pipe upsizing be deemed necessary through coordination with the City Public Works Department, the applicant shall replace those pipes before operation of on-site uses.

CONCLUSION

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Utilities and energy impacts would be similar to those discussed in the 2015 Draft EIR, because the project would be constructed in the same location using similar construction equipment as described in the 2015 Draft EIR, would create similar types of new uses. Therefore, the conclusions of the Nishi Gateway EIR remain relevant and valid, and approval of the project would not result in new or substantially more severe significant impacts related to utilities and energy.

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