

1 INTRODUCTION

This section summarizes the purposes of the environmental impact report (EIR) for the Nishi Gateway Project (project). The following discussion addresses the environmental procedures that are to be followed according to State law, the intended uses of the EIR, the EIR scope and organization, and a summary of the agency and public comments received during the public review period for the Notice of Preparation (NOP) of an EIR.

1.1 PURPOSE AND INTENDED USES OF THIS EIR

This Draft EIR has been prepared under the City of Davis' (City) direction in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Sections 21000-21177) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Division 6, Chapter 3, Sections 15000-15387). The City is serving as the lead agency under CEQA for consideration of certification of this EIR and potential project approval; CCR Section 151367 defines the lead agency as the agency with principal responsibility for carrying out and approving a project. The project site is currently located within the jurisdiction of Yolo County, but is within the City of Davis's Sphere-of-Influence. Development of the site ultimately requires City of Davis approval, although it will first need to be annexed from the County.

According to CEQA, if the lead agency determines that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (CCR Section 15064(f)(1)). An EIR is an informational document used to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

CEQA requires that state and local government agencies consider the environmental effects of projects over which they have discretionary authority before taking action on those projects (PRC Section 21000 et seq.). CEQA also requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, the significant environmental effects of projects it approves or implements. If a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency must prepare and issue a "statement of overriding considerations" explaining in writing the specific economic, social, or other considerations that make those significant effects acceptable (PRC Section 21002; CCR Section 15093).

Following completion of the Final EIR, the Davis Planning Commission will recommend whether to certify the EIR and approve the project. The Davis City Council will then consider the Planning Commission recommendations and decide whether to certify the Final EIR and approve the project. If the City Council approves the project, the project would be required to obtain voter approval pursuant to Measure J (as renewed in 2010 via Measure R). Measure J was enacted in 2000 to require voter approval for any newly proposed urban or residential development on land in agricultural use at the time of proposal and, more specifically, for any development on the last two large vacant properties, one of which was Nishi, designated for urban use in the City of Davis General Plan on August 1, 1999. Please refer to Chapter 3, "Project Description," for further information.

1.1.1 Responsible and Trustee Agencies

Under CEQA, responsible agencies are state and local public agencies other than the lead agency that have the authority to carry out or approve a project, or that are required to approve a portion of the project for which a lead agency is preparing or has prepared an EIR. Trustee agencies are state agencies with legal jurisdiction over natural resources affected by a project that are held in trust for the people of the State of California.

The following agencies may have responsibility for or jurisdiction over implementation of elements of the project. The following list also identifies potential permits and other approval actions that may be required before implementation of certain project elements.

STATE

- ▲ California Department of Fish and Wildlife (Responsible and Trustee Agency) – To comply with the California ESA for potential take of state listed species.
- ▲ California Department of Transportation (Caltrans) (Responsible Agency) – To provide temporary access for construction within Caltrans rights-of-way.
- ▲ California Public Utilities Commission (Responsible Agency) – To review/approve a roadway undercrossing of the existing Union Pacific Railroad.
- ▲ Central Valley Regional Water Quality Control Board (Responsible Agency) – To provide waste discharge requirements for impacts to waters of the state and stormwater pollution prevention plan (SWPPP) for construction/operation.
- ▲ State Water Resource Control Board (Responsible Agency) – To provide coverage under General Construction and Industrial Storm Water permits.
- ▲ University of California Regents (Responsible Agency) – To approve a potential roadway connection from the project site to Old Davis Road within the campus of University of California at Davis (UC Davis). Additional approvals may be sought for potential connection to the UC Davis wastewater treatment plant and for water supply.

REGIONAL AND LOCAL

- ▲ Yolo County LAFCo (Responsible Agency) – To approve annexation of the approximately 46.9-acre Nishi site (APN 036-170-018) into the City of Davis (California Government Code Section 56737).

FEDERAL

In addition to these CEQA responsible agencies, the project may also require approvals from federal agencies. While not considered responsible agencies, federal agencies may use the environmental information in a CEQA document to help inform their permitting decisions.

- ▲ U.S. Fish and Wildlife Service (Responsible Agency) – To comply with the Federal Endangered Species Act (ESA) for any take of listed species.
- ▲ U.S. Army Corps of Engineers (Responsible Agency) – To comply with Clean Water Act, Section 404 requirements related to any impacts to Waters of the U.S.

- ▲ Federal Emergency Management Agency (Responsible Agency) – To revise existing flood mapping, if needed, through a (conditional) letter of map revision.

1.2 PROPOSED PROJECT

This Draft EIR evaluates the potential environmental impacts of the project, which is comprised of two primary components: 1) annexation from Yolo County and development of the 46.9-acre Nishi site with a mixed-use community that will provide roadway connections to the City and UC Davis; and 2) rezoning of an adjacent 10.8 acres within the City (hereafter referred to as West Olive Drive) to allow for redevelopment. No new development is currently proposed as part of West Olive Drive, however the rezoning of the parcels within West Olive Drive would allow for future redevelopment consistent with the new zoning designations. The development of the 46.9-acre Nishi site is evaluated at a project-level within this EIR, and the redevelopment of West Olive Drive is evaluated at a program-level. See Chapter 3, “Project Description,” for additional project details.

1.3 EIR PROCESS

In accordance with PRC Section 21092 and CCR Section 15082, a NOP was prepared and circulated on January 29, 2015, for a minimum 30-day period of public and agency comment. The NOP was submitted to the State Clearinghouse and Yolo County Clerk-Recorder. A copy of the NOP and comments received on the NOP are included in this document (Appendix A). A public scoping meeting was conducted by the City on February 23, 2015. No oral comments were provided at this meeting, however several written comments were received at this meeting and have been included as part of Appendix A; a summary of the comments is provided in Section 1.5.

This Draft EIR is being circulated for a 45-day period of review and comment by the public and other interested parties, agencies, and organizations. A public hearing will be held on October 14, 2015, to receive input from agencies and the public on the Draft EIR. Copies of the Draft EIR are available online at the City’s website at www.CityofDavis.org under Hot Topics. and at the following locations for review:

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

Mary L. Stephens Davis Branch
315 E. 14th Street
Davis, CA 95616

The public review period will conclude at 5:00 p.m. on October 26, 2015. All comments on the Draft EIR should be addressed to:

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

-or-

NishiGateway@cityofdavis.org

After close of the public comment period, responses to written and oral comments on environmental issues will be prepared. Consistent with CCR Section 15088(b), commenting agencies will be provided a minimum of 10 days to review the proposed responses to their comments before any action is taken on the Final EIR or project. The Final EIR (consisting of this Draft EIR and the Response to Comments document) will then be

considered for certification (in accordance with CCR Section 15090) and approval by the City Council, pending Planning Commission recommendations. If the City finds that the Final EIR is "adequate and complete", the City Council may certify the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

1. The EIR shows a good faith effort at full disclosure of environmental information; and
2. The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project with consideration given to its environmental impacts.

The level of detail contained throughout this EIR is consistent with CCR Section 15151 of the CEQA Guidelines and recent court decisions, which provide the standard of adequacy on which this document is based. The Guidelines state as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA requires that when a public agency makes findings based on an EIR, the public agency must adopt a reporting or monitoring program for those measures it has adopted or made a condition of the project approval to mitigate significant adverse effects on the environment. The reporting or monitoring program must be designed to ensure compliance during project implementation. The Mitigation Monitoring Program for the project will be prepared and considered by the City Council and Planning Commission in conjunction with the Final EIR review.

1.4 SCOPE OF THE DRAFT EIR

According to CCR Section 15143 of the State CEQA Guidelines, a lead agency should limit a Draft EIR's discussion of environmental effects to specific issue areas where significant effects on the environment may occur. The City determined that a full-scope EIR should be prepared; in other words, no potential issues were scoped out of the EIR at the time of issuance of the NOP.

1.5 SUMMARY OF COMMENTS RECEIVED ON THE NOP

Comments received during public review of the NOP and at the public scoping meeting are summarized in Table 1-1. These comments have been categorized according to the CEQA issue area to which they pertain. Not all comments are summarized, rather, the summary only includes issues for which there may be an environmental impact.

Table 1-1 NOP Comments Summary

Issue Area	Commenter	Comment
Aesthetics and Visual Resources	Caltrans	Caltrans is concerned about potential glare from photovoltaic panels at the project site. Please ensure the panels are placed where they do not cause glare to be directed at I-80, impair the vision of any driver, or interfere with any driver's operation of a motor vehicle.
	Emily Griswold	A 5-6 story building adjacent to the street may feel imposing for the pedestrian experience. Can the building orientation and massing be altered to lower the height near the street to 2-3 stories?
Agriculture and Forest Resources	Central Valley Regional Water Quality Control Board	If the project will be used for commercial irrigated agriculture, it will require coverage under the Irrigated Lands Regulatory Program.
Air Quality	Yolo Solano Air Quality Management District (YSAQMD)	The EIR should address potential criteria pollutant emissions during construction and operation consistent with YSAQMD's "Handbook for Assessing and Mitigation Air Quality Impacts." The suggested model for evaluation is CalEEMod.
		The EIR should examine whether project could incorporate VMT and emission reduction measures such as improved circulation, electric vehicle charging, bicycle infrastructure, non-motorized connectedness to surrounding uses.
		The EIR should provide an evaluation of potential health risks associated with siting of new sensitive receptors (such as residents) within 500 feet of a freeway with traffic volumes of 100,000 vehicles or more per day
		The EIR should provide a discussion of the project's potential to produce greenhouse gas emissions and any potential conflicts with GHG-reduction goals established by the State of California.
	Cheryl Essex	Consider heavy metals in particulate matter from freeway traffic and their impact on the site.
	Paul Philley	The project will be built next to a functioning rail line and a major roadway. There should be discussion and analysis of the impact of the emissions from these transportation corridors on future users of the project. Best practices to minimize exposure should be implemented, including vegetative plantings and HEPA filters.
	Tom Phillips	Residences at the project site would be subject to potential pollution emissions from I-80, which may increase over time.
Potential long-term health risks may occur when residences are sited this close to a freeway, as noted in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Health Perspective.		
Biological Resources	Central Valley Regional Water Quality Control Board	If the project will result in the discharge of dredged or fill material into waters of the US, it will require permitting pursuant to the Clean Water Act, Section 404 and certification pursuant to Section 401. If the project would result in discharge to non-jurisdictional waters (i.e., non-federal waters) it will require a waste discharge requirement permit.
	US Army Corps of Engineers	Putah Creek is considered a jurisdictional water of the United States. Project features that result in the discharge of dredged or fill material into waters will require permitting pursuant to the Clean Water Act, Section 404. Alternatives that avoid impacts to waters should be considered as appropriate.
	Yolo County Resource Conservation District	The project may affect urban restoration efforts within the Putah Creek channel.
	Yolo County Habitat Conservation Plan / Natural Community Conservation Plan JPA	Implementation of the project may have impacts on known sensitive species (Swainson's hawk and white-tailed kite) and potential habitat for Swainson's hawk and northwestern pond turtle.
	Emily Griswold	The Olive Drive crossing over the Putah Creek Parkway will need to be treated very carefully to reduce negative impacts on the parkway restoration efforts.

Table 1-1 NOP Comments Summary

Issue Area	Commenter	Comment
Cultural Resources	Yocha Dehe Wintun Nation	The project site has been determined to be within the aboriginal territories of the Yocha Dehe Wintun Nation. Consultation is requested, as well as further coordination regarding site studies and project timeline.
Greenhouse Gas Emissions and Energy	Tom Phillips	Is the project designed to achieve net zero energy or low carbon emission performance? California already plans to require net zero energy for new homes by 2020, so the project homes should at least meet that goal, and preferably meet net positive energy goals instead.
		This project should include measures for adaptation to climate change, such as movable, external shading of buildings (such as awnings, engineered shade structures, and/or vines and trees), increased thermal mass in buildings (coupled with night ventilative cooling with filtered outdoor air), urban greening with vegetation, and cool pavement.
Hazards and Hazardous Materials	Tom Phillips	The site is located adjacent to an existing rail line that may experience increases in crude oil transport, and potential risks of hazardous spills and explosions may increase as a result.
Hydrology and Water Quality	Caltrans	Runoff from the site must not be directed towards State right-of-way. Drainage from I-80 must not be impeded and all historical flow patterns must be identified and maintained.
	Central Valley Regional Water Quality Control Board	Project would be subject to the requirements of the Construction Storm Water General Permit and would require preparation and implementation of a SWPPP. Project will also need to comply with applicable storm water and sewer permits. If the project includes construction dewatering or would discharge groundwater to waters of the US, it will require coverage under a National Pollutant Discharge Elimination System permit.
Noise and Vibration	Caltrans	Project analysis should assume that no Caltrans transportation projects will construct sound-walls in the project vicinity before new structures open on the project site.
	Tom Phillips	Noise levels may be significant near the freeway, and impacts may increase over time. Noise has been identified as not only a nuisance but also a cardiovascular health risk comparable to and separate from urban air pollution. What are the projected peak and average noise levels from railroad traffic, now and over the normal life of the buildings?
Transportation and Circulation	Caltrans	A traffic impact study is required to assess the impact of the project on the State Highway System and adjacent road network with specific attention to the Richards Boulevard/I-80 interchange, I-80 mainline, Olive Drive, and Richards Boulevard. Use of the Caltrans Guide for the Preparation of Traffic Impact Studies is recommended.
		Caltrans recommends, if the Nishi Gateway Project is approved, any mitigation fees collected should be applied to the improvement of the Richards Boulevard/I-80 interchange and Olive Drive.
	Emily Griswold	The bike undercrossing [of the rail line] will have a big impact on the continuity of the experience. Ideally, the undercrossing will be more generously scaled than the tight-feeling railroad undercross [at Richards Boulevard].
	Paul Philley	The project may increase bicycle and pedestrian traffic on the Richards Blvd/Cowell Blvd corridor. This area is already impacted with difficult cycling and walking conditions, and the project may exacerbate the situation. As mitigation, consider removing freeway ramps on the southwest side of Richards Blvd and installing a two-way cycletrack on the south side of Richards/Cowell from the Class I trail at Valdora Street to the Davis Subway on Richards Blvd.
	Tom Phillips	What are the plans to provide a safe route for children to bike to school(s) and for residents to bike to grocery stores and other destinations in town? Are mass transit or shuttle options being considered?
Utilities	Pacific Gas and Electric	The project may require expansion of existing electrical/natural gas infrastructure and could consider such impacts as part of the EIR.

1.6 ORGANIZATION OF THE DRAFT EIR

CCR Sections 15122 through 15132 of the State CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include a description of the physical environmental setting, an environmental impact analysis (project-specific, cumulative, and growth-inducing), mitigation measures (if necessary to reduce impacts), alternatives (to reduce significant impacts associated with the project), and a statement of potential significant irreversible changes. In accordance with these requirements, this Draft EIR is organized into the following sections:

- ▲ Chapter 1, Introduction – Provides an introduction and overview describing the intended use of the EIR and the environmental review and certification process.
- ▲ Chapter 2, Executive Summary – Summarizes environmental impacts that would result from implementation of the project, describes recommended mitigation measures, and indicates the level of significance of impacts after mitigation.
- ▲ Chapter 3, Project Description – Describes the project, including the location of the project site, background information, goals and objectives of the project, existing facilities, and proposed changes to the existing facilities.
- ▲ Chapter 4, Existing Environmental Setting, Impacts, and Mitigation – Contains an analysis of the reasonably foreseeable and potentially significant adverse environmental impacts of the project on the physical environment. Each subsection introduces and describes the existing setting for the environmental issue, thresholds of significance, methodology used to evaluate impacts, and recommendations of appropriate mitigation measures for potentially significant impacts.
- ▲ Chapter 5, Cumulative Impacts – Discusses the potential cumulative impacts that would result from implementation of the project together with other past, present and probable future projects and including whether the project’s incremental increase to an already significant impact is cumulatively considerable.
- ▲ Chapter 6, Other CEQA Considerations – Includes a discussion of potential growth-inducing impacts, significant irreversible environmental changes, and unavoidable significant impacts that cannot be mitigated to less-than-significant levels.
- ▲ Chapter 7, Alternatives Analysis – Describes a range of potentially feasible alternatives to the project, their ability to avoid or lessen the significant impacts of the project, and their associated environmental effects.
- ▲ Chapter 8, EIR Authors and Persons Consulted – Identifies the EIR preparers and those consulted during its preparation.
- ▲ Chapter 9, References – Lists the sources of information cited throughout this EIR.

- ▲ Appendices – Contain a number of reference items providing support and documentation of the analyses performed for this report. Appendices included as part of this EIR are as follows:
 - Appendix A – Notice of Preparation and Comments on the Notice of Preparation
 - Appendix B – Yolo County Land Evaluation and Site Assessment
 - Appendix C – Air Quality Modeling REsults
 - Appendix D – UC Davis Air Monitoring Report
 - Appendix E – Biological Database Records
 - Appendix F – Nishi Gateway Arborist Report
 - Appendix G – Historic Resources Survey and Evaluation Report
 - Appendix H – Noise Modeling Results
 - Appendix I – Traffic Modeling Results
 - Appendix J – Water Supply Assessment