

1 INTRODUCTION AND PROJECT HISTORY

1.1 PROJECT BACKGROUND AND OVERVIEW

This addendum to the Final Environmental Impact Report (EIR) for the Nishi Gateway Project evaluates revisions to the previously-approved project. Specifically, this addendum analyzes the effects of a change in the proposed land uses and traffic circulation for the project, now known as the Nishi Residential Development Project (project). The changed uses would include the elimination of the office and research and development component, elimination of for-sale condominium units, an increase in the number of rental units, and revisions to the circulation network. These changes are described in more detail in the Project Description.

As the lead agency under the California Environmental Quality Act (CEQA), the City of Davis has determined that, in accordance with Section 15164 of the State CEQA Guidelines, the proposed changes to the project differ sufficiently from the development scenario described in the Draft and Final EIR for the approved Nishi project to warrant preparation of an addendum, but that the impacts resulting from the proposed changes do not require preparation of a subsequent EIR or supplement to the EIR.

On September 10, 2015, the City of Davis (City) released for public review the draft environmental impact report (Draft EIR) for the proposed Nishi Gateway Project. The project included two major components on adjacent properties that were, together, known as the Nishi Gateway Project: annexation and development of a site located between University of California at Davis (UC Davis) and Interstate 80 (I-80), known as the Nishi site, and rezoning and potential redevelopment of property already in the City of Davis between Richards Boulevard and the Nishi Site, known as the West Olive Drive area.

The Draft EIR was circulated for public review and comment to lead and responsible agencies, as well as members of the public, for 46-days (September 10, 2015 through October 26, 2015). The City also held a public meeting on October 14, 2015 to receive comments on the Draft EIR. The City prepared a Final EIR that contained written comment letters received on the Draft EIR, a transcript of oral testimony provided at the public hearing, and written responses to comments. The City adopted a Mitigation Monitoring Plan, CEQA Findings of Fact and a Statement of Overriding Considerations and certified the EIR on February 16, 2016. The City approved the project and passed a resolution for a special election in June 2016 to amend the City's General Plan and establish the Nishi Baseline Project Features. Olive Drive rezoning was also approved. Because the Nishi site involved annexation, additional voter approval of the baseline project features was required. The measure did not pass, and the project could not move forward.

The City Council-approved (but not voter-approved) Nishi Gateway Project, separate from the Olive Drive rezoning, is located on a 46.9-acre site. The approved project included 650 multifamily residential units (1,920 beds) on 9.8 acres, 210 of which would have been "for sale" condominium units, and 325,000 square feet (sf) of office/research and development uses on 5 acres. Up to 20,000 sf of accessory retail was also approved; this retail was intended to serve the residential and employment uses on site. Roads and parking covered 8.9 acres of the site. Parks and green space, including stormwater detention and open space were proposed for the balance of the site (23.2 acres). Access to the site was proposed from Olive Drive, with potential secondary access directly to the UC Davis campus via a new undercrossing of the Union Pacific Railroad tracks.

The proposed project modifies the approved Nishi Gateway Project. The primary differences between Nishi Gateway and this version of the project is the removal of all research and development uses, an increase in the bed count associated with residential uses, removal of "for sale" housing (only rental units would be allowed), and access would be provided primarily through the railroad undercrossing between UC Davis and

the site, with only emergency vehicle and, potentially, bus access from Olive Drive. The revised project does not propose changes to the West Olive Drive component of the Nishi Gateway Project.

Now called the Nishi Residential Development Project (project), the project includes development of rental (no “for sale”) residential uses; up to 10,000 sf of commercial/retail space and other community building uses; onsite water detention; open spaces, including private open space for the proposed residential uses, urban forests or urban farmland; and a satellite surface/structure parking area with solar panels. The project would include up to 700 rental apartment units to accommodate up to 2,200 occupants (primarily students). The project site would be annexed from Yolo County to the City of Davis and a General Plan Amendment would be required to redesignate/rezone the site.

1.2 CEQA GUIDELINES REGARDING AN ADDENDUM TO AN EIR

Altered conditions, changes, or additions to the description of a project that occur after certification of an EIR may require additional analysis under CEQA. The legal principles that guide decisions regarding whether additional environmental documentation is required are provided in the State CEQA Guidelines, which establish three mechanisms to address these changes: a subsequent environmental impact report (SEIR), a Supplement to an EIR, and an Addendum to an EIR.

Section 15162 of the State CEQA Guidelines describes the conditions under which a SEIR would be prepared. In summary, when an EIR has been certified for a project, no Subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) 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.

Section 15163 of the State CEQA Guidelines states that a lead agency may choose to prepare a supplement to an EIR rather than a Subsequent EIR if:

- (1) any of the conditions described above for Section 15162 would require the preparation of a SEIR; and
- (2) only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

An addendum is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with CEQA Section 21166 and State CEQA Guidelines Sections 15162, 15163, 15164, and 15168.

This addendum is intended to evaluate and confirm that the impacts that would result from the proposed Nishi Residential Development Project, which would be a change relative to what is described and evaluated in the Nishi Gateway Draft and Final EIR, were previously studied and adequately addressed in that prior EIR. This addendum is organized as an environmental checklist, and is intended to evaluate all environmental topic areas for any changes in circumstances or the project description, as compared to the approved EIR, and determine whether such changes were or were not adequately covered in the certified EIR. This checklist is not the traditional CEQA Environmental Checklist, per Appendix G of the CEQA Guidelines. As explained below, the purpose of this checklist is to evaluate the checklist categories in terms of any “changed condition” (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in a different environmental impact significance conclusion from the Nishi Gateway EIR. 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, 15163, 15164 and 15168.

1.3 CONCLUSION REGARDING PREPARATION OF AN ADDENDUM TO THE NISHI GATEWAY EIR

The conditions for preparation of an SEIR or Subsequent EIR have not been met because the changes to the previously-approved project would not result in new significant environmental effects or a substantial increase in the severity of previously identified effects. 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.

As evidenced in the discussions included in the Environmental Checklist (see Section 4 of this document), 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, the previously certified Nishi Gateway EIR continues to be relevant to the proposed project, and 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.