

4.4

CULTURAL RESOURCES

4.4.1 INTRODUCTION

The Cultural Resources section of the EIR addresses known historic and prehistoric resources in the vicinity of the Lincoln40 Project (proposed project), as well as the potential for unknown resources to exist. The potential for paleontological resources to occur on-site is also addressed in this section. The analysis within this section of the EIR summarizes the existing setting with respect to cultural and paleontological resources, identifies thresholds of significance, describes the potential effects of the proposed project on cultural resources, and sets forth mitigation measures that would be necessary to reduce impacts to a less-than-significant level. Information for this section was primarily drawn from the *Historical Resources Analysis* prepared by Dahlin and Essex, Inc. to evaluate select structures on the project site (see Appendix H)¹, and a subsequent addendum to the *Historical Resources Analysis* prepared by Historic Resource Associates to evaluate the remaining residential structures on the project site (see Appendix I)², the *Archaeological Survey Report* prepared for the proposed project site by Tremaine & Associates (see Appendix J)³, as well as information from the *Davis General Plan*.⁴

4.4.2 EXISTING ENVIRONMENTAL SETTING

The Existing Environmental Setting section discusses the setting for the various time periods of relatively recent human history within the Davis region, as well as the known cultural resource sites within the project site vicinity, and the area-of-potential effects (APE). The APE is defined as the entire 5.92-acre project site where disturbance may occur due to implementation of the proposed project. The cultural background setting is discussed in the following three sections: Prehistoric Context, Ethnography, and History.

Prehistoric Context

The prehistoric context of central California is broadly divisible into five temporal periods: Paleo-Indian; Lower Archaic; Middle Archaic; Upper Archaic; and Emergent.

¹ Dahlin and Essex, Inc. *Historical Resources Analysis with supplementary photos*. September 5, 2015.

² Historic Resource Associates, Inc. *Historical Resources Analysis Study of the Lincoln 40 Project, including 1111, 1165, 1185, 1207 and 1225 Olive Drive and 113 and 118 Hickory Lane, Davis, Yolo County, California 95616*. January 2017.

³ Tremaine & Associates, Inc. *Final Archaeological Survey Report: Lincoln40 Student Housing Project*. January 2017.

⁴ City of Davis. *Davis General Plan*. Adopted May 2001. Amended through January 2007.

Paleo-Indian Period

Little is known about prehistoric occupations in the Central Valley during the Paleo-Indian Period, which is defined as lasting from 12,000 years before present (BP) to 8,000 BP, due to limited evidence from the Paleo-Indian time period. However, early Holocene components have been found in several sites in the San Francisco Bay area, while evidence such as flaked stone tools and Clovis-like large fluted darts or spear points have been found elsewhere in northern California. The people of the Paleo-Indian period likely traveled in relatively small groups, were highly mobile, used the aforementioned tools to pursue large game and settled around wetlands.

Lower Archaic Period

Like the Paleo-Indian Period, the Lower Archaic, lasting from 8,000 to 5,000 BP is poorly understood. The depositional environment of the Central Valley has led to the burial of most evidence, and as such, few sites have been found. Notable finds from the Lower Archaic period include a site in the Kellogg Creek drainage near Mount Diablo that yielded a sparse but diverse assemblage of evidence including traces of freshwater mussels, handstones, faunal material, large cobble-core tools, large projectile points, and biface fragments. Additionally, a site from the Lower Archaic period was also encountered at depths between ten and 20 feet below the surface in downtown Sacramento.

Middle Archaic Period

The Middle Archaic Period, which lasted from 5,000 to 2,200 BP, corresponding to the Early Horizon, is identified as one that emphasized hunting, evidenced by the relative proportions of tools representative of hunting, fishing and gathering activities. Artifacts characteristic of the Middle Archaic period include distinctive shell ornaments and charmstones, large projectile points with concave bases and stemmed points, baked clay balls used for cooking, and milling tools. Fishing activity is evidenced by net weights, bonefish hooks, and bone spear tips. Burials of the Middle Archaic period, in the Sacramento – San Joaquin Delta Region, tend to be extended, oriented towards the west, and often contain grave goods such as baked clay balls, charmstones, shell beads, and exotic minerals.

Upper Archaic Period

Sites associated with the Upper Archaic Period, from 2,200 to 1,000 BP, corresponding to the Middle Horizon, contain substantial midden deposits with shell, mammal and fish bone, charcoal, milling tools, and other artifacts. The number of mortars and pestles increases during the Upper Archaic period, suggesting a greater reliance on acorns and other nuts. Greater densities of obsidian artifacts and shell beads are thought to indicate a greater complexity of exchange networks and social stratification. Burials are more often flexed, as opposed to extended, with varied orientations and notably fewer grave offerings, generally involving limited numbers of utilitarian items or ornamental objects.

Emergent

The Emergent Period, corresponding to the Late Horizon, dates between 1,000 BP and the arrival of the Spanish in central California. The Emergent period involves a dramatic change in general economy, characterized by large village sites situated on high ground, increased evidence of acorn and other nut processing, introduction and use of the bow and arrow and use of clamshell disc beads as the primary medium of exchange. During the latter part of the period, cremation became a common mortuary practice. Sites from the latter portion of the Emergent period sometimes include items of Euro-American manufacture, such as glass trade beads or worked bottle glass.

Ethnography

The project area lies within the ethnographic territory of the Patwin, or the Southern Wintuan linguistic speakers. Patwin territory included the southern portion of the Sacramento River Valley, from the Sacramento River westward to the lower foothills of the Coast Range east of Clear Lake, and extending north to the present town of Princeton and southward to San Pablo and Suisun Bays.

Unfortunately, few early historic accounts and studies document the traditional lifeways of the Patwin. Briefly, the communities lived in semi-permanent settlements. They built two kinds of houses that suggest both long and short-term habitation: substantial earth-covered dwellings and thatch or bark huts used in camping. While their settlement patterns remain relatively unknown, evidence suggests that communities tended to be located near creeks in valley settings separated by several miles. The major villages had large ceremonial lodges or dance houses (semi-subterranean earth-covered structures) to host community events. The nearest Patwin tribelet living along lower Putah Creek, in the vicinity of Davis, was the *Puttoy*, also possibly referred to as the *Ansactoy*. An associated village is thought to correspond with prehistoric sites in the vicinity of UC Davis.

History

The following section discusses the regional and local history of the area.

Spanish Exploration

The first Spanish infiltration into the Sacramento Valley occurred in the early 1800s. Between 1806-1808 Gabriel Moraga led several expeditions to the Central Valley. In the Fall of 1821, military Captain Luis Arguello and Father Blas Ordaz from Mission Dolores of San Francisco, journeyed through the west side of the lower Sacramento Valley, encountering several Patwin villages along the way. One named village, *Libayato*, on the bank of Putah Creek near Winters, was noted housing upwards of 400 people.

Fur Trappers

English and American fur trappers and mountain men began exploring the Sacramento Valley as early as 1826, leading the way for Euro-American settlement along the Sacramento River. In 1827 Jedediah Smith and his party of fur trappers followed the Sacramento River north into northwestern California. Alexander McLeod led the first Hudson's Bay "fur brigade" to the Sacramento Valley in 1829, passing along the Sacramento River. During 1832-1833, a Hudson Bay Company's exploration party, led by John Work, traveled the Sacramento River. In 1833 a probable malaria epidemic, thought to have been introduced by members of Work's party, decimated the Central Valley Native American population, killing approximately 20,000 Central Valley Native Americans.

Mexican Land Grants

Mexico began ruling California in 1821. Large tracts of lands, formerly held by the Spanish-era missions or government, were subsequently granted to individuals to settle during the mid-1830s through the late-1840s. Several were established west of the Sacramento River before the American conquest. Following the peace treaty of Guadalupe Hidalgo in 1848, Marcos Vaca and Victor Prudon apparently fraudulently claimed a 47,600-acre tract called Rancho Laguna de Santo Calle, situated on the north side of Putah Creek, encompassing future Davisville.

Yolo County & Davisville

Yolo County was established soon after statehood in 1850. Joseph B. Chiles, that year, purchased a portion of Rancho Laguna de Santo Calle before it was determined by the Land Commission in 1856 that the original claim documents had been forged. Mr. Chiles subsequently sectioned off 8,000 acres for his son-in-law, Jerome C. Davis. In 1868, Mr. Davis sold 3,000 acres to a group of investors, founding the town of Davisville at the site of a railroad depot along the newly developed California Pacific Railroad passing through the property that linked Sacramento with San Francisco.

During the 1850s through the 1870s, Yolo County was a prosperous agricultural area of grain cultivation, particularly wheat. The railroad junction provided a natural shipping point and the availability of transportation led to the creation of processing and packaging plants that made shipping more efficient. In addition to the convenience of its location, Davis had the advantage of being one of the first towns "on the line" and thus enjoyed a slight advantage over other agricultural towns that the railroad reached later, such as Winters. Attracting an initial population of approximately 350, Davis emerged as a community whose economy was largely based upon agricultural shipping, processing and storage. With the exception of the lumber yard, still in the same location, but much altered, few if any buildings in Davis survive from the period between 1850 and the late 19th century.

20th Century Development in Davis

Once established the city grew slowly, adding a mere ten citizens per year; a growth rate that did not accelerate until the early 1900s, with the expansion of the University of California's

“University Farm”. The roots of University Farm began in the 1860s, when a strong element within the farming community argued for a separate agricultural college that would address the practical aspects of educating farmers. On March 23, 1868, the California legislature took advantage of the federal Morrill Act of 1862, and established the University of California as the state’s land grant institution of higher education.

The Davis campus expanded through the end of the 19th century and over the early decades of the 20th century from a working farm into a branch of the College of Agriculture, ultimately becoming a general campus of the University of California in 1959. By 1930 the campus grew from the original 779 acres to encompass roughly 1,000 acres.

Lincoln Highway

Prior to 1910, the main road leading to Davis from the east was along 2nd Street, north of the railroad right-of-way. The original 1913 route of the Lincoln Highway followed what is now Highway 99 south to Stockton. In 1927, the Lincoln Highway was realigned to follow a route over the Yolo Causeway through Davis, Vallejo, and Berkeley, where a ferry took Lincoln Highway drivers to San Francisco. The Lincoln Highway wound directly through the heart of Davis. From the east, the route followed what is now County Road 32A, and as the Lincoln Highway approached the City, the highway followed south of the present-day Union Pacific Railroad tracks, along Olive Drive, and under the Richards Boulevard underpass. The road then turned left onto First Street, right on B Street, and then headed west toward Winters via what is now Russell Boulevard, passing the original entrance to UC Davis. By the 1940s, commerce through Davis began to increase, in part due to an improving economy, expansion of the university, and traffic along the Lincoln Highway between Sacramento and points west. However, in 1942, the Lincoln Highway (at that time known as U.S. Highway 40) was rerouted from Olive Drive to the current freeway alignment. The Davis-Dixon Cut-off, as the reroute was known, created a more direct link between Davis and Dixon, and avoided cross-town traffic congestion within Davis. Today, the Lincoln Highway route through Davis is more symbolic because numerous alterations have occurred to the original road alignment. The segment through the project area is not officially designated or listed as a “historic property” either individually or as part of a historic district, by the City of Davis, State of California, or the federal government.

Development of the Olive Drive Area

Development of the area of Olive Drive encompassing the proposed project site occurred less systematically than the areas of Davis to the north of the railroad, largely because the area was separated by the railroad right-of-way and lay along the periphery of the city proper. Historic maps suggest the Olive Drive portion of Davis was associated more with the region's agricultural and transportation heritage, because Olive Drive was itself a part of the Lincoln Highway and later signed as State Route 40.

Because of Olive Drive’s association with the Lincoln Highway, Olive Drive saw mixed uses, including single-family homes, rental cottages, auto courts, gas stations, and retail businesses, such as restaurants and stores. All the buildings constructed along the Lincoln Highway transportation corridor appear to have been quite modest in scale and design, and most of the

development occurred between the 1920s through the 1940s. However, the Davis-Dixon Cut-off created a bypass around Olive Drive and other areas of the City, which had previously benefited from highway traffic. The Cut-off relinquished Olive Drive as part of the State Highway system. Following the Cut-off, development along present-day Olive Drive seems to have slowed until the late 1950s.

Gould's Raisin Works

Historic development of the project site, beginning in 1872, is related to Davisville's status as one of three raisin centers in the State. Eugene H. Gould started out with a 115-acre vineyard of Muscatel that once encompassed the proposed project site. The facilities for Mr. Gould's Raisin Drying and Packing Works, were documented on the 1888 Sanborn Map of the area, located approximately 185 feet south of the Central Pacific Railroad tracks. The facilities included a dual-purpose structure for raisin packing and box making, a raisin dryer with furnace, two sheds, a windmill, raised water tank, and a corral.

May Gould, likely Eugene Gould's widow, is shown on the 1891 Yolo County Map owning the property. Five years later, the vineyard was advertised for sale. The property was subsequently acquired by E.G. Cohen. The Sanborn Maps through 1911 refer to the J.B. Cohn Raisin Drying, Packing Works, and Vineyard. The property eventually passed out of the Cohen [Cohn] family, being purchased by J.W. Marshall sometime prior to 1915.

Tremaine & Associates conducted an archival records search and field survey to determine what, if any evidence of Gould's Raisin Works persisted on the project site. The field survey of the project site identified an in situ concrete slab near existing residences at 113 and 115 Hickory Lane. Review of archival maps and personal interviews indicate that the concrete slab may be the remains of a barn associated with Gould's Raisin Works. A former resident of the project site recalled that the barn was demolished in the 1960s, but other structural remains related to the barn were discovered. The archival maps of the property suggest that the sheds, raisin packing house and the raisin drying building, were once situated along Olive Drive. Most of the existing residential development is also currently situated along Olive Drive. Therefore, if subsurface deposits related to Gould's Raisin Works structures or activities remain, the deposits are likely beneath the existing residences. As such, there is a low likelihood that any significant remnants of the raisin works have survived.

The Callori Family and 20th Century Development of the Project Site

Ownership of the project site was eventually transferred to Giuseppe "Joseph" Callori, who was recorded living along present-day Olive Drive at least as early as 1920. The Callori family acquired approximately nine acres of land, including the project site, and used portions of their land for agricultural purposes. Members of the Callori family lived along Hickory Lane, within the currently proposed project site, by the 1930s. Between 1937 and 1944, Giuseppe Callori reportedly built seven cottages that served the family as rental income at what became known as "Callori Court." To the west of the Callori property was "Slatter's Court," which had been developed by Joseph Slatter around the time when the new State Highway was being built in the 1920s. Based upon United States Federal Census data, Slatter's Court was occupied by Dust

Bowl Migrants during the 1930s and 1940s. The migrants included families from Oklahoma, Texas, Missouri, and Arizona.

Through the late 1940s to the present day, descendants of Giuseppe and Maria Callori, including members of the Callori, Jordan, and Maggiolo families, retained ownership of the Callori property along Olive Drive. In addition to the family farmhouse located at 115 Hickory Lane and Callori Court on the far east end of the Callori farm, several houses were constructed on the property by or for Giuseppe and Maria Callori and their adult children from 1937-1957.

Giuseppe and his wife Maria Callori deeded property from their original nine-acre farm to their son Joseph, who developed the Davis Mobile Home Park, which is still operating, located to the west of the project site and east of Richards Boulevard. Joseph, his wife Lois, and son Joseph Arthur lived for many years in the Callori house located at 1123 Olive Drive until, in the 1970s, Joseph built and operated a popular Italian restaurant at that location; in homage to his father, the restaurant was named Giuseppe's.

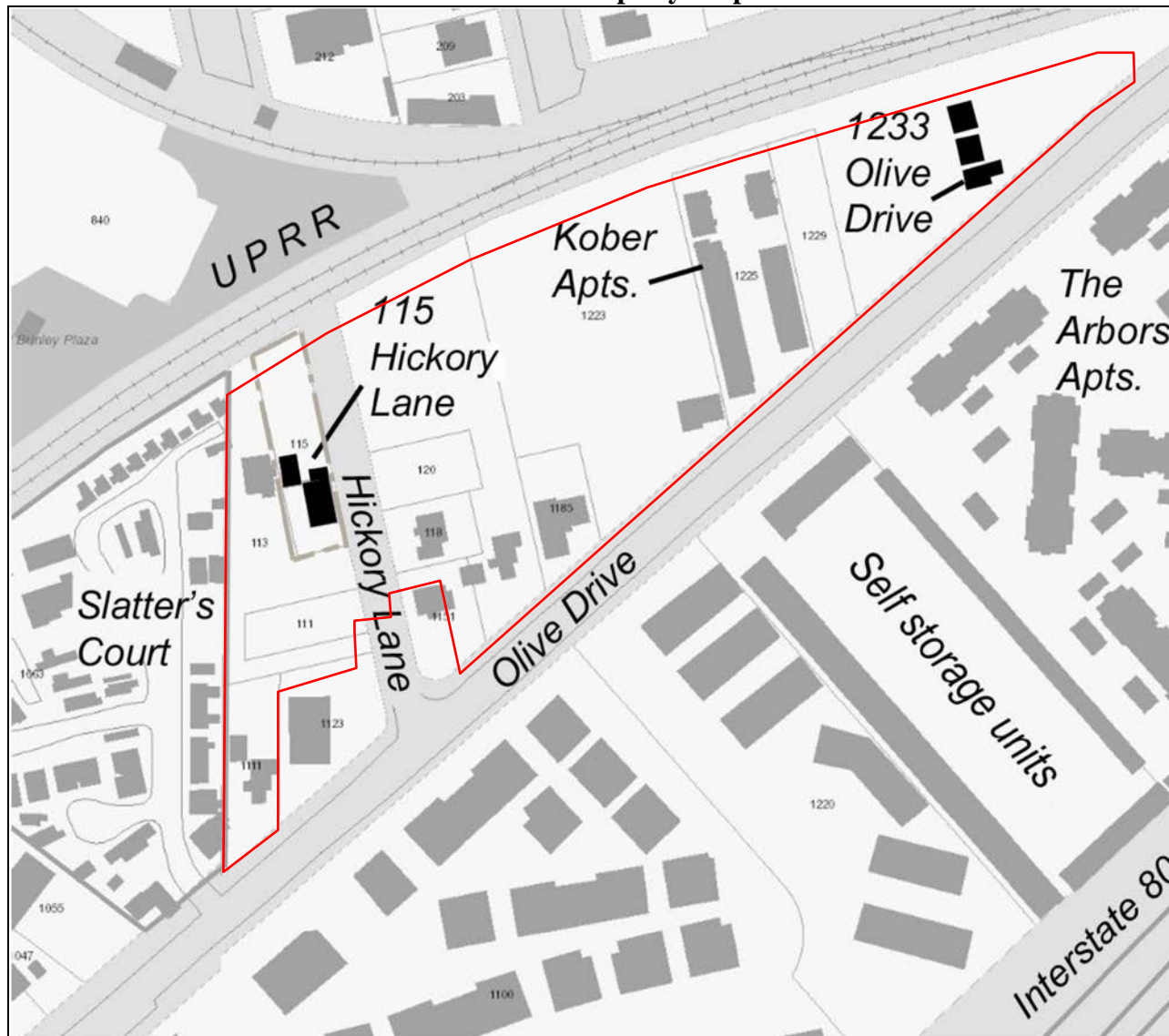
Over the next few decades, Callori family members continued to construct and occupy new buildings on the Callori Ranch or Farm, such as the property at 1165 Olive Drive, which was built in the late 1940s. The properties at 1185 and 1207 Olive Drive were constructed in the late 1950s. Giuseppe Callori apparently commissioned the construction of 1207 Olive Drive, which was the last residence for Giuseppe and Maria Callori. Giuseppe died at the age of 82 in 1957; Maria died at the age of 83 in 1965.

In 1957, Giuseppe Callori sold a portion of the ranch to a Mr. Martino who later sold the parcel to Frank Kober, who built a motel on the property. In the late 1980s, Kober moved several cottages onto the rear of the property and created additional rental units.

The story of the Callori family reflects an important part of the history of Davis as the history of the City relates to Italian immigrants and the challenges and hardships that faced assimilating into their new lives in California's Sacramento Valley. Like other newly arrived immigrants, Giuseppe and Maria Callori sought a better life for their family, who in later generations attended the University of California, Davis and contributed to the culture and wealth of the City.

Historic Resource Associates and Dahlin and Essex, Inc. analyzed the existing residences (see Figure 4.4-1), associated with the Callori family's ownership of the project site, against National Register of Historical Places (NRHP) Criteria A through D, California Register of Historic Resources (CRHR) Criteria 1 through 4, and the criteria of the City of Davis for Landmark and Merit resources. Additionally, the integrity of the existing structures was evaluated to determine the structure's ability to convey historic significance. The existing residential structures were considered separately and collectively for historic importance and integrity. Criteria for the NRHP, CRHR, and the City of Davis, as well as the definition of integrity in regards to potential historic resources are presented in the Regulatory Context section below.

**Figure 4.4-1
Lincoln40 Property Map**



1233 Olive Drive

The residential structures at 1233 Olive Drive were originally part of a small residential development known as Callori Court. Four of the seven original Callori Court structures were previously demolished, the remaining three structures are currently uninhabited and in disrepair. The original wood siding was finished with stucco in the 1950s, and although the stucco was applied by hand, in the opinion of Dahlin and Essex, Inc. the use of stucco and the application technique is not particularly unusual. All three structures were deemed to pose a threat to human safety, and are recommended for demolition. The remaining Callori Court structures were built out of inexpensive and salvaged materials to provide the Callori family with rental income, and were mostly inhabited by farm hands and other Davis residents with limited income, not transient overnight lodging associated with the Lincoln Highway. The structures do not represent notable workmanship, nor is the design of the structures notable. Although the remaining structures were originally part of the Callori Court, developed on the project site in the 1930s and 1940s, the demolition of four of the original structures has compromised the overall layout of the court.

Given the dilapidated and abandoned appearance, the numerous alterations that have been completed on the original structures, the demolition of the remainder of the structures associated with the Court, and the serious problems with structural integrity, the structures at Olive Drive are not considered to maintain sufficient integrity to meet the criteria of the CRHR, the NRHP, and the City of Davis.⁵

115 Hickory Lane Property

The structures at 115 Hickory Lane were constructed by or for Giuseppe and Maria Callori in the 1920s. A garage and residential structure exist on the parcel. The garage was built without ornamentation or stylistic treatment, and does not show evidence of auto-oriented use related to the Lincoln Highway, which routed along Olive Drive after the construction of the garage. The residence at 115 Hickory Lane was inhabited by the Callori family, and, similar to the garage, was built without ornamentation or stylistic treatment. Remedial interior structural work was completed on the residence at 115 Hickory Lane in 2010. While the garage retains historic integrity in terms of original materials, setting, and association, the integrity of the residence has been altered substantially through additions and extensive renovations in 1990. Despite the remedial work on the residence, both the residence and the garage have substantial structural deficiencies.

The structures at 115 Hickory Lane are some of the oldest on the project site, and at one point the residence was inhabited by Giuseppe and Maria Callori. However, since the time of construction, the residence has been substantially altered through additions and renovations. In addition to the alterations changing the character of the structure, the

⁵ Dahlin and Essex, Inc. *Historical Resources Analysis with supplementary photos*. September 5, 2015.

structural integrity of the residence is poor. The garage has not been extensively altered, but the condition of the structure is poor, with a heavy lean and gaps in the roofing and siding. The structure currently poses a safety threat. Neither structure was built with ornamentation, in a manner that showcases the work of a unique craftsman, with the use of remarkable materials, or with a unique design. Additionally, neither structure has yielded historical information nor is either structure likely to do so in the future. Due to the poor condition of both structures, and the alterations that have been made to the Callori residence, neither structure is considered to maintain sufficient integrity to meet the criteria of the CRHR, the NRHP, and the City of Davis.⁶

Remaining Structures

Several residential structures other than those previously discussed exist throughout the project site. As discussed in the Historical Resource Analysis completed by Historic Resource Associates, the remaining structures are single-family residences, which were built by or for the Callori family. The Callori family used the residences to provide rental income from mostly low-income renters. The rental properties were not specifically associated with students; thus, the rentals were not associated with development of UC Davis, nor were the rentals used for transient auto-oriented lodging associated with the Lincoln Highway. Construction of the rental structures occurred throughout the 20th century, and the structures were developed less systematically than other portions of Davis. The Kober motel development compromised the setting of the single-family residences by infilling a large central portion of the Callori property, and disrupting the ranch like feel of the property. None of the rental structures exhibit remarkable workmanship or materials, and the structures have not yielded notable historic information. As such, the remaining residences are not considered to meet the criteria of the CRHR, the NRHP, and the City of Davis.⁷

Kober Apartments

The Kober Apartments were originally constructed as an infill motel, near the center of the Callori property. Frank Kober constructed the motel in 1957, which was after the Davis-Dixon Cut-off had been opened and Olive Drive had ceased to be part of the Lincoln Highway. Therefore, the motel is not directly linked to automotive developments associated with the Lincoln Highway during the time that the highway passed through Davis.

The main buildings associated with the Kober Apartments and motel were constructed on the site with standard techniques and materials for motels at the time. The two detached buildings to the north of the original motel structures reflect an earlier design than the

⁶ Dahlin and Essex, Inc. *Historical Resources Analysis with supplementary photos*. September 5, 2015.

⁷ Historic Resource Associates, Inc. *Historical Resources Analysis Study of the Lincoln 40 Project, including 1111, 1165, 1185, 1207 and 1225 Olive Drive and 113 and 118 Hickory Lane, Davis, Yolo County, California 95616*. January 2017.

motel structure, and the detached buildings were likely constructed during the 1930s or 1940s and subsequently moved to their current location in the 1980s.

The Kober Apartments are not associated with the Callori family, and the location of the complex compromises the continuity of the former Callori Ranch and rental properties. The Kober Apartments are not consistent with the other existing structures on the project site related to the Callori family, as the other structures are single-family detached structures. Although the Kober Apartments were auto-related development, the original motel was developed on Olive Drive after the re-routing of the Lincoln Highway, the structure does not maintain a connection to the Callori family or the surrounding developments, and the structures are not notably unique or remarkable for the material used or the workmanship. Therefore, the Kober Apartments are not considered to meet the criteria of the CRHR, the NRHP, and the City of Davis.⁸

Slatter's Court

Slatter's Court is located west of the proposed project site. The operation of the Lincoln Highway through Davis, along Olive Drive, spurred auto-oriented development in the City, and on what is now Olive Drive. An example of such development is the aforementioned Slatter's Court, which is typical of the small-scale wooden structures designed to provide overnight lodging to transient visitors travelling along the Lincoln Highway. The original complex of buildings included a service station, grocery store, and overnight accommodations in the form of cabins and trailer spaces. The auto court cabins are small clapboarded gabled cabins typical of the early auto era. A 1996 survey of the City performed by Architectural Resources Group identified Slatter's Court as a potential historical resource. Slatter's Court has been considered eligible for listing under criterion 1/C in the CRHR, due to the rarity of the development as a surviving example of the tourist court form of motel, common in the 1920s and 30s.⁹ However, other experts have concluded differently, and the site is not formally listed.¹⁰

Cork Oak Tree Row

Two cork oaks (*quercus suber*), which are identified as Landmark Trees by the Urban Forestry Division of the City of Davis and as trees 40 and 41 in the Arborist Report prepared for the proposed project (see the Biological Resources Section of this EIR for a discussion of the Arborist Report), are within the APE near the structures at 1225 and 1233 Olive Drive. Tremaine & Associates identified the cork oaks in the APE as among the first known planting of cork oaks in Yolo County, and determined that the trees were among 15 which were originally planted along Olive Drive in 1915. The trees were part of a program investigating the potential for cork oak cultivation in America to provide a domestic source of cork. The cork oak program was conducted by a partnership between the Agricultural Extension Service of the University of California, the State Division of Forestry, the U.S. Forest Service, and the Crown Cork & Seal

⁸ Dahlin and Essex, Inc. *Historical Resources Analysis with supplementary photos*. September 5, 2015.

⁹ *Ibid.*

¹⁰ Dahlin and Essex, Inc. *Historical Resources Analysis with supplementary photos* [pg. 22]. September 5, 2015.

Company. The trees along Olive Drive were stripped after 25 years, and the cork harvested for the program.¹¹

Tremaine & Associates analyzed the cork oak trees under the following criteria of the CRHR (see Section 4.4.3 below, Regulatory Context, for a detailed discussion of the CRHR criteria):

1. The resource is associated with events that have made a significant contribution to the broad patterns of California history; or
2. The resource is associated with the lives of important persons from our past; or
3. The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual or possesses high artistic values; or
4. The resource has yielded, or may be likely to yield, important information in prehistory or history.

On a local and state level the trees were part of an early program of the Cooperative Extension system and Agricultural Experiment Stations associated with the University of California. Cork oak planting also played a role nationally, as the importance of cork was acknowledged during World War II and 10,000 seedlings were planted as well as 850,000 acorns distributed to other states by 1945. Additionally, the cork oaks along Olive Drive are associated with the life of Woodbridge Metcalf, who was one of the founders of the School of Forestry and was a forester specialist with the University of California Agricultural Extension Service. Because of the cork oaks' association with local, State, and national history, as well as the association of the cork oaks with Woodbridge Metcalf, in the professional opinion of Tremaine & Associates, the cork oaks meet criteria 1 and 2 of the CRHR and, thus, the trees merit listing under the CRHR.¹²

While Tremaine & Associates identified the existing cork oaks as meeting criteria 1 and 2 of the CRHR, the opinion of Historic Resource Associates differs from that of Tremaine & Associates. In the professional opinion of Historical Resources Associates, trees may be eligible for listing on the CRHR, but generally such eligibility is only true when the trees are part of a larger landscape or directly and visually linked to a historic property. Historic Resource Associates offers the rows of cork oaks within the UC Davis campus as an example of such eligible trees. The trees located within the Davis campus offer a strong visual linkage between the historic property, but the trees in the Lincoln40 APE lack a connection to a larger historic landscape, as the landscape has been developed with infill commercial and residential structures. Therefore, Historic Resource Associates concluded that the designation of the two cork oak trees as "Landmark Trees" under the City's Tree Ordinance would be sufficient, and listing of the trees as historic resources is not proper.¹³

¹¹ Tremaine & Associates, Inc. *Final Archaeological Survey Report: Lincoln40 Student Housing Project*. January 2017.

¹² *Ibid.*

¹³ Historic Resource Associates, Inc. *Historical Resources Analysis Study of the Lincoln 40 Project, including 1111, 1165, 1185, 1207 and 1225 Olive Drive and 113 and 118 Hickory Lane, Davis, Yolo County, California 95616*. January 2017.

Given the professional opinions of Historical Resources Associates and Tremaine & Associates, a disagreement among experts exists, which is acceptable under CEQA Guidelines Section 15151, and is further discussed Impact 4.4-1 of this section of the EIR.

Known Cultural Resources within the Project Site

The project site was investigated for the potential presence of cultural resources through a combination of consultation with various organizations and individuals, archival research, and field surveys.

Before conducting a records search at the Northwest Information Center (NWIC), Tremaine & Associates determined the proposed project's APE. The APE is the 5.92-acre property composed of eleven parcels with existing residential structures. Ground disturbing activities associated with the proposed project would include demolition of existing structures, removal of buried utilities, site clearing, building construction, and trenching for utilities. The records search was conducted by the NWIC on October 11, 2016 for archaeological resources within one-quarter mile of the project site.

Tremaine & Associates further investigated the potential for historic-period resources by inspecting historic maps for past land improvements. Archival records searches identified structures that previously existed on the project site, including structures associated with the Gould Raisin Works operation, such as a wind mill with elevated water tank, a building for drying fruit and making boxes, two sheds, and another structure presumed to be a barn for sheltering animals (later within a space delineated as a corral).

In addition to the NWIC and archival records search, Tremaine & Associates and separately Historic Resource Associates conducted field surveys of the APE. Tremaine & Associates' field survey did not identify any evidence of prehistoric resources, and Historic Resource Associates' field survey did not identify any previously unknown historic resources.

Known Cultural Resources within Project Area

One previously historic archaeological deposit was identified associated with the Terminal Hotel Site on the northeast corner of 2nd and G streets. Previously recorded prehistoric resources were not identified within the APE or within a one-quarter mile radius. The Olive Drive Specific Plan reports a prehistoric site, CA-Yol-118, situated at A Street and Rice Lane, on the north side of Putah Creek, 0.6-mile west of the APE. CA-Yol-182, on the south side of Putah Creek within the Solano Park Student Housing Complex, is situated 0.45-mile southwest of the APE.

Paleontological Resources

According to the *Geotechnical Investigation* prepared by Geocon Consultants, Inc. for the proposed project, the project site is underlain by Holocene aged alluvial fan deposits. In addition to the native alluvium, portions of the site are also underlain by between 0.5 and 3 feet of fill

material, which was likely placed on the site during historic human development of the site.¹⁴ Holocene aged alluvial deposits are generally considered too young to contain fossils. While fossils are unlikely to be found in Holocene deposits, such deposits can be of interest to paleontologists studying late Pleistocene biota.¹⁵

Buried Sites Sensitivity Assessment

The potential for buried sites is most prevalent at deep vertical depths. Ranching, agricultural use of land, and heavy historic use often obscure or bury prehistoric archaeology on the surface. Such burial of prehistoric archaeology has proven true elsewhere in the Central Valley, as young alluvial basin sediments have deeply buried evidence of older archaeological deposits prior to approximately 5,000 years ago. Other sites in the Sacramento Valley uncovered archaeological remains from 4,000 years ago at depths surpassing 11 feet. The project site is located within an alluvial fan, which is characterized by sediments deposited by water sources such as streams or rivers. The alluvial material has created moderately deep soils. Prehistoric occupation sites are often associated with areas in proximity to present or former water sources. Because sites are often in close proximity to water sources, flooding and alluvial deposition often bury resources, thus obscuring such resources from present day surficial investigations. Due to the alluvial origin of the sediments comprising the underlying soil, there is a possibility that buried archaeological deposits are present at the project site.

4.4.3 REGULATORY CONTEXT

Federal, State, and local governments have developed laws and regulations designed to protect significant cultural resources that may be affected by actions that they undertake or regulate. The National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA) are the basic federal and State laws governing preservation of historic and archaeological resources of national, regional, State, and local significance.

Federal Regulations

The following are the federal environmental laws and policies relevant to cultural resources.

Section 106 for the National Historical Preservation Act (NHPA) of 1966

Federal regulations for cultural resources are governed primarily by Section 106 of the NHPA of 1966. Section 106 of NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties," are found in 36 Code of Federal Regulations (CFR) Part 800. The goal of the Section 106 review process is to offer a measure of protection to sites, which are determined eligible for listing on the NRHP. The criteria for determining NRHP

¹⁴ Geocon Consultants. *Geotechnical Investigation, Lincoln40 Student Housing*. February 2016.

¹⁵ Kenneth Finger, Ph.D, Consulting Paleontologist. *Paleontological Records Search for the Mace Ranch Innovation Center Project Site*. October 19, 2014.

eligibility are found in 36 CFR Part 60. Amendments to the Act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if the project uses federal funding.

National Register of Historic Places

NRHP is the nation's master inventory of known historic resources. The NRHP includes listings of resources, including: buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, State, or local level. Resources over 50 years of age can be listed on the NRHP. However, properties under 50 years of age that are of exceptional significance or are contributors to a district can also be included on the NRHP. Four criteria are used to determine if a potential resource may be considered significant and eligible for listing on the NRHP. The criteria include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded or may likely yield information important in prehistory or history.

A resource can be individually eligible for listing on the NRHP under any of the above four criteria, or the resource can be listed as contributing to a group of resources that are listed on the NRHP.

A resource can be considered significant in American history, architecture, archaeology, engineering, or culture. Once a resource has been identified as significant and potentially eligible for the NRHP, the resource's historic integrity must be evaluated. Determining a resource's integrity is a crucial part of assessing a potential resource's significance. The National Park Service identifies the types of integrity as a function of the seven factors listed below:

- **Location** is the place where the historic property was constructed or the place where the historic event occurred;
- **Design** is the combination of elements that create the form, plan, space, structure, and style of a property;
- **Setting** is the physical environment of the historic property;
- **Materials** are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
- **Workmanship** is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;

- **Feeling** is a property's expression of the aesthetic or historic sense of a particular period of time; and
- **Association** is the direct link between an important historic event or person and a historic property.

Integrity is based on significance: why, where, and when a property is important. Only after significance is fully established is the issue of integrity addressed. Ultimately, the question of integrity is answered by whether or not a potential resource retains the identity for which the resource is significant. Therefore, a resource may experience change over time, but if that resource retains the identity that makes the resource historic, the resource can be deemed historic despite changes having occurred over time. A resource must have at least two types of integrity and meet one of the four criteria listed above in order to qualify for the National Register.

State Regulations

The following are the State environmental laws and policies relevant to cultural resources.

California Environmental Quality Act

State historic preservation regulations affecting the project include the statutes and guidelines contained in CEQA (Public Resources Code [PRC] Sections 21083.2 and 21084.1 and Sections 15064.5 and 15126.4 (b) of the CEQA Guidelines). CEQA requires lead agencies to consider the potential effects of a project on historic resources and unique archaeological resources. An "historic resource" includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript that is historically or archaeologically significant (PRC Section 5020.1). Under Section 15064.5 of the CEQA Guidelines, a resource is considered "historically significant" if the resource meets one or more of the following CRHR criteria:

1. The resource is associated with events that have made a significant contribution to the broad patterns of California history; or
2. The resource is associated with the lives of important persons from our past; or
3. The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual or possesses high artistic values; or
4. The resource has yielded, or may be likely to yield, important information in prehistory or history.

CEQA requires preparation of an EIR if a proposed project would cause a "substantial adverse change" in the significance of a historical resource. A "substantial adverse change" would occur if a proposed project would result in physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5(b)(1)). Material impairment of an historic resource is an action or alteration that adversely affects the physical characteristics of the resource, thus impairing the resource from conveying the historical significance of that resource (CEQA Guidelines Section 15064.5(b)(2)).

In addition to historically significant resources, which can include archeological resources that meet the criteria listed above, CEQA also requires consideration of “unique archaeological resources.” If a site meets the definition of a unique archaeological resource, the site must be treated in accordance with the provisions of PRC Section 21083.2. Under PRC Section 21083.2(g), an archaeological resource is considered “unique” if the site:

1. Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA also includes specific guidance regarding the accidental discovery of human remains. Specifically, CEQA Guidelines Section 15064.5(e) requires that if human remains are uncovered, excavation activities must be stopped and the county coroner be contacted. If the county coroner determines that the remains are Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC identifies the most likely descendent, and that individual or individuals can make recommendations for treatment of the human remains under the procedures set forth in Section 15064.5 of the CEQA Guidelines.

California Register of Historic Places

The State Office of Historic Preservation (SHPO) maintains the CRHR. Properties that are listed on the NRHP are automatically listed on the CRHR, along with State Landmarks and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys.

Tribal Consultation Guidelines (Senate Bill 18)

Senate Bill (SB) 18, authored by Senator John Burton and signed into law by Governor Arnold Schwarzenegger in September 2004, requires local (city and county) governments to consult with California Native American tribes, when amending or adopting a general plan or specific plan, or designating land as open space, in order to aid in the protection of traditional tribal cultural places (“cultural places”). The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code §65300 et seq.) and specific plans (defined in Government Code §65450 et seq.).

Assembly Bill 52

Assembly Bill (AB) 52 adds tribal cultural resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, archaeological, and paleontological resources. “Tribal cultural resources” are defined as either:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the CRHR.
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.¹⁶ In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

The proposed project is subject to AB 52 and consultation with Native American tribes was completed by the City of Davis. The methodology and results of such consultation are included in the discussion of Impacts and Mitigation Measures in section 4.4.4, below.

Local Regulations

The following are the City of Davis' environmental laws and policies relevant to cultural resources.

City of Davis General Plan

The applicable Davis General Plan policies and standards relating to cultural resources are presented below.

Goal HIS 1 Designate, preserve and protect the archaeological and historic resources within the Davis Community.

Policy HIS 1.2 Incorporate measures to protect and preserve historic and archaeological resources into all planning and development.

Standard HIS 1.2a: A cultural resources survey shall be required for development sites where cultural resource conditions are not known (as required by the Planning and Building Department). Resources within a project site that cannot be avoided should be evaluated. Additional research and test excavations, where appropriate, should be undertaken to determine whether the resource(s) meets CEQA and/or NRHP significance criteria. Impacts to significant resources that cannot be

¹⁶ Per Government Code Section 5024.1 (c), the criteria are the same as the National Register of Historic Places, which are presented above, within the Federal Regulations portion of this section.

avoided will be mitigated in consultation with the lead agency for the project. Possible mitigation measures include:

- a data recovery program consisting of archaeological excavation to retrieve the important data from archaeological sites;
- development and implementation of public interpretation plans for both prehistoric and historic sites;
- preservation, rehabilitation, restoration, or reconstruction of historic structures according to Secretary of Interior Standards for Treatment of Historic Properties;
- construction of new structures in a manner consistent with the historic character of the region; and
- treatment of historic landscapes according to the Secretary of Interior Standards for Treatment of Historic Landscapes.

Goal HIS 2 Promote public awareness of the prehistoric and historic past of the Davis area.

Policy HIS 2.1 Add to the knowledge and understanding of Davis' past.

City of Davis Municipal Code

The following are applicable City housing and growth policies related to the proposed project.

8.19.020 Demolitions in general

Demolition in the City may not occur without prior issuance of a demolition permit. The requirements for obtaining a demolition permit are included in the City's Municipal Code, Section 8.19.020. Demolition of structures carried out in accordance with Section 8.19.020 are generally considered ministerial projects, and thus are exempt from CEQA. However, as shown below, an exception to the CEQA exemption exists for demolition involving a structure identified as a historic resource pursuant to Section 15064.5.

- A. Demolitions carried out in accordance with this section shall be statutorily exempt from environmental review pursuant to Section 15268 of CEQA as ministerial projects provided such a demolition is not for a structure identified as a historic resource, or a resource pursuant to Section 15064.5 of CEQA Guidelines.

40.23 Historical Resources Management

The purpose of Section 40.23 of the City's municipal code is to identify, designate, protect, enhance, and perpetuate historic resources throughout the City. Section 40.23 further establishes a historical resources management commission, with various powers enumerated in Section 40.23.050, including the power to designate historical resources. Section 40.23.060 enumerates the criteria that must be used to designate a historical resource can a landmark, a merit resource, or a historic district.

- A. **Landmarks.** Upon the recommendation of the historical resources management commission and approval of the city council a historical resource may be designated a landmark if the resource meets any of the following four criteria at the local, state, or national level of significance and retains a high level of historic integrity as defined by this article.
 - 1. Associated with events that have made a significant contribution to the broad patterns in the history of Davis, California, or the nation; or
 - 2. Associated with the lives of significant persons in the history of Davis, California, or the nation; or
 - 3. Embodies the distinctive characteristics of a type, period, architectural style or method of construction; or that represents the work of a master designer; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - 4. Has yielded or may likely yield archaeological or anthropological information important in the study of history, prehistory, or human culture.
- B. **Merit resources.** Upon the recommendation of the historical resources management commission and approval of the city council a historical resource may be designated a merit resource if the resource meets one of the following four criteria at the local level of significance and possesses historic integrity as defined under this article:
 - 1. Associated with events that have made a significant contribution to the broad patterns in the history of Davis; or
 - 2. Associated with the lives of significant persons in the history of Davis; or
 - 3. Embodies the distinctive characteristics of a type, period, architectural style or method of construction; or that represent the work of a master designer; or that possess high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - 4. Has yielded or may likely yield archaeological or anthropological information important in the study of history, prehistory, or human culture
- C. **Historic districts.** Upon the recommendation of the historical resources management commission and approval of the city council a group of historical resources may be designated an historic district if the district meets any of the following significance criteria:
 - 1. Associated with events that have made a significant contribution to the broad patterns in the history of Davis, California, or the nation; or
 - 2. Associated with the lives of significant persons in the history of Davis, California, or the nation; or

3. Embodies the distinctive characteristics of a type, period, architectural style or method of construction; or that represent the work of a master designer; or that possess high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; or
4. Has yielded or may likely yield archaeological or anthropological information important in the study of history, prehistory, or human culture.

Chapter 37 Tree Planting, Preservation and Protection

The City acknowledges the importance of trees to the health, safety, welfare, and aesthetic appeal of the City in Chapter 37 of the City's Municipal Code. Certain trees within the City may be designated as a landmark tree, provided the tree meets the designation criteria as described in the City's Municipal Code, section 37.03. The criteria include factors such as the tree species, the age of the tree, and the potential for the tree to be considered of historical interest. Designation of a tree as a landmark tree due to historical interest entitles the City's historical resources manager the opportunity to comment on proposals to remove the landmark tree. Additionally, removal and modification of landmark trees is further regulated by sections 37.03.060 and 37.03.070 of the City's Municipal Code.

4.4.4 IMPACTS AND MITIGATION MEASURES

The section below describes the standards of significance and methodology used to analyze and determine the proposed project's potential impacts related to cultural resources.

Standards of Significance

A cultural impact may be considered to be significant if implementation of the proposed project would result in any of the following:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- Disturb any human remains, including those interred outside of formal cemeteries; or
- Directly or indirectly disturb or destroy a unique tribal cultural resource, such as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, which meets the criteria of Public Resource Code Section 5020.1 (k) or Section 21074.

Method of Analysis

The methods used by Historic Resource Associates and Tremaine & Associates in the preparation of the *Historical Resources Analysis Study* and the *Archaeological Survey Report*,

respectively, are discussed below. In addition, the tribal consultation conducted by the City of Davis is also summarized below.

Archaeological Survey Report

Tremaine & Associates contacted the NWIC on October 11, 2016. The NWIC conducted an archaeological resource focused search of resources within one-quarter mile.

Six previous studies have been conducted within the project area. The most relevant is an archaeological survey for the Gateway/Olive Drive Specific Plan conducted in 1995. Other studies include documentation of surveys for fiber optic projects, monitoring for a fiber optic project, a PG&E gas line deactivation project, and study of the Central Pacific/Southern Pacific Railroad. Seven additional studies have been conducted within a one-quarter mile radius. Those associated with inventory and mitigation efforts include: the Larchmont Davis Townhouse Development; the Richards Boulevard/I-80 Interchange Project; the Davis Bicycle Path Extension Project; a telecommunications facility site on 5th Street; the Olive Drive Apartments Development; the City of Davis Cultural Resources Inventory and Context Statement; and Mishka's Café. In addition, a general study of railroads in Yolo County has also been previously completed.

The NWIC identified one previously recorded historic archaeological deposit associated with the Terminal Hotel Site on the northeast corner of 2nd Street and G Street. However, previously recorded historic archaeological deposits were not identified within the APE. Additionally, prehistoric resources were not identified with the one-quarter mile radius.

Tremaine & Associates assessed the potential for on-site historic-period resources by inspecting historic maps for past land improvements and other archival records. The following resources were reviewed by Tremaine & Associates:

- 1863, 1865, & 1872 General Land Office Maps;
- 1871 Map of Yolo County by J.S. Henning;
- 1879 Map of Yolo County by De Pue & Company (W.T. Galloway Lithograph);
- 1888 Davisville by Sanborn Map & Publishing Co. (Scale 1:50);
- 1891 Map of Yolo County by H.C. Miller;
- 1891 Davisville by Sanborn Map & Publishing Co. (Scale 1:50);
- 1900 Official Map of Yolo County by P.N. Ashley (Scale 1:47,520);
- 1900 Davisville by Sanborn Map & Publishing Co. (Scale 1:50);
- 1907 Davisville Quadrangle, USGS (Scale 1:62,500);
- 1907 Davisville by Sanborn Map & Publishing Co. (Scale 1:50);
- 1909 Official Map of the County of Yolo by P.N. Ashley (Scale 1:47,520);
- 1911 Davisville by Sanborn Map & Publishing Co. (Scale 1:50);
- 1914 Map of Yolo County by C.F. Weber & Co. (Scale 1:142,560);
- 1915 Official Map of Yolo County by A.G. Proctor (Scale 1:47,520);
- 1926 Official Map of Yolo County by A.G. Proctor (Scale 1:47,520); and
- 1939 Official Map of Yolo County by C.C. Stitt (Scale 1:47,520).

Archival records did not identify any new or previously unidentified paleontological, archaeological, historical, or cultural resources.

Kim Tremaine and Elizabeth Fernandez conducted an intensive pedestrian survey of the APE on October 8, 2016. The survey accomplished 100 percent coverage of the project APE. Ground visibility ranged from very poor to fair, depending upon the context. Approximately 30 percent of the surface was covered with existing residences and landscaped yards. The remaining 70 percent was open terrain covered with dried grass. Patches of exposed dirt provided fair visibility of the surface. Hoes were used to periodically clear vegetation. One hand-excavated hole was observed behind the residence at 113 Hickory Lane. The hand-excavated hole revealed sterile soil to a depth of about two feet.

Historical Analysis Study of the Lincoln 40 Project

Investigation of the project site completed by Historic Resource Associates focused primarily on the existing built environment of the project site. Personal interviews with members of the Callori family were conducted to provide family history as well as a narrative of uses and development of the project site. Additionally, maps of the City of Davis from 1868 to 1981 were consulted. Primary records search included aerial photography from the U.C. Davis Special Collections, United States Federal Census information, newspaper articles from the Davis Enterprise, and official records from the Yolo County Tax Assessor's Office and the Yolo County Recorder's Office. Historic Resource Associates also performed a field survey of the project site. The field survey focused on the current state of the existing structures on the project site. Previously unrecorded archaeological or historical resources were not identified during the pedestrian surveys.

Historical Resources Analysis with Supplementary Photos

Dahlin and Essex, Inc. completed a Historical Resources Analysis focused on the existing structures at 1233 Olive Drive and 115 Hickory Lane. The Dahlin and Essex, Inc. report relies upon personal interviews with a representative of the Callori family, review of existing documents related to the existing properties, and a site visit. The field survey documented the current condition of the existing structures, and all of the information gathered by Dahlin and Essex, Inc. was used to determine the potential historicity of the aforementioned structures.

Tribal Consultation

Raney Planning & Management, Inc. contacted the Native American Heritage Commission (NAHC), and asked the NAHC to provide information regarding recorded sites, known sacred sites, traditional values, concerns, villages or ceremonial use areas within the project site, and to identify people of Native American descent who might be knowledgeable about the project area. The NAHC did not identify any known sacred lands within the APE.

In compliance with Senate Bill (SB) 18 requirements, as defined by the Governor's Office of Planning and Research (OPR), on November 18, 2016, the City of Davis sent consultation letters to the list of tribes provided by the NAHC. The tribes contacted under SB 18 included the

Cortina Band of Indians, the United Auburn Indian Community of the Auburn Rancheria, and the Yoca Dehe Wintun Nation.

Additionally, on August 17, 2016, the City initiated consultation in compliance with AB 52. The City received a request for further consultation from the Yoca Dehe Wintun Nation, and per the Yoca Dehe Wintun Nation's request, the City has initiated further consultation.

Project-Specific Impacts and Mitigation Measures

The following section describes the standards of significance and methodology used to analyze and determine the proposed project's potential project-specific impacts related to cultural resources. In addition, a discussion of the project's impacts, as well as mitigation measures where necessary, is also presented.

4.4-1 Cause a substantial adverse change in the significance of a historical resource. Based on the analysis below and with the implementation of mitigation, the impact is less than significant.

The project site's historical background, and the potential for the project to adversely impact historic resources is discussed in the following section.

Gould's Raisin Works

As previously discussed, the last remaining structure associated with Gould's Raisin Works was most likely a barn that was demolished in the 1960s. Tremaine & Associates identified a concrete slab on-site, which may be the remains of Gould's Raisin Works barn. While the concrete slab was identified during field surveys of the project site, Tremaine & Associates did not identify any other deposits or remains related to Gould's Raisin Works. Maps found during the archival records search indicated that the majority of structures related to Gould's Raisin Works were located along Olive Drive. If subsurface deposits related to Gould's Raisin Works structures or activities remain, the deposits are likely beneath the existing residential structures. As such, there is a low likelihood that any significant remnants of the raisin works have survived.¹⁷

Callori Properties

Historic Resource Associates and Dahlin and Essex, Inc. analyzed the existing residences on the project site that would be demolished as part of the proposed project in comparison to the NRHP Criteria A through D, CRHR Criteria 1 through 4, and the criteria of the City of Davis for Landmark and Merit resources. Additionally, the integrity of the existing structures was evaluated to determine the structures' ability to convey historic significance. The existing residential structures were considered separately and collectively for historic importance and integrity.

¹⁷ Tremaine & Associates, Inc. *Final Archaeological Survey Report: Lincoln40 Student Housing Project*. January 2017.

As discussed in the Existing Environmental Setting above, none of the existing on-site structures (i.e. the remaining Callori Court Structures, single-family residences,¹⁸ and Kober Apartments¹⁹) were considered eligible for listing under the CRHR, the NRHP, or the City of Davis criteria. Because the existing structures are not considered historical resources alone or when considered together, the proposed demolition of the existing structures would not cause a substantial adverse change in a historic resource.

Nearby Historic Resources

Although the proposed project would involve demolition of structures in close proximity to Slatter's Court, which may be eligible for listing on the CRHR, the structures proposed for demolition are separated from Slatter's Court, and are not part of the same auto-oriented development. Additionally, the proposed project does not include any activities that would physically alter Slatter's Court. As such, Slatter's Court would remain an example of a tourist court motel related to the former Lincoln Highway, and the proposed project would not be anticipated to impact the nearby Slatter's Court potential historic resource.²⁰

Cork Oak Tree Row

As discussed earlier in this section, two cork oaks (*quercus suber*), identified as tree number 40 and 41 in the Arborist Report prepared for the proposed project, and as Landmark Trees by the City of Davis, are within the APE. Both Historic Resource Associates and Tremaine & Associates analyzed the cork oaks for historical significance, but arrived at differing conclusions concerning the historicity of the on-site cork oaks.

While "disagreement among experts" is acceptable, per CEQA Guidelines, Section 15151, ultimately, even if the two cork oak trees were presumed historically significant, the proposed project would not result in a substantial adverse change in the significance of an historic resource. A substantial adverse change is defined as physical demolition, destruction, relocation, or alteration of a resource or the resource's immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5(b)(1)). The proposed project would include pruning to accommodate proposed walls and buildings; however, Tremaine & Associates concluded that such pruning would be limited in scope, and would not interfere with the potential historicity of the cork oaks. Additionally, although the proposed project would involve higher density development of the project site, the cork oaks are currently surrounded by existing residential and commercial development, and apartments currently exist across the street south of Olive Drive. As such, the proposed project would not substantially alter the setting of the trees in a way that would impair the significance

¹⁸ Historic Resource Associates, Inc. *Historical Resources Analysis Study of the Lincoln 40 Project, including 1111, 1165, 1185, 1207 and 1225 Olive Drive and 113 and 118 Hickory Lane, Davis, Yolo County, California* 95616. January 2017.

¹⁹ Dahlin and Essex, Inc. *Historical Resources Analysis with supplementary photos*. September 5, 2015.

²⁰ *Ibid.*

of the trees. Finally, an arborist's report prepared by Tree Associates for the proposed project, included detailed mitigation measures to ensure that work performed on or near the cork oak trees would not substantially damage the trees.²¹ Mitigation measures recommended by Tree Associates have been incorporated into the Biological Resources section of this EIR as Mitigation Measures 4.3-7(a) and 4.3-7(b).

Conclusion

The residences existing on the project site are not considered historic resources, and as such the demolition of such resources would not be considered to have the potential to result in a substantial adverse change in the significance of historic resources. Additionally, the potential historic significance of the nearby Slatter's Court and former Lincoln Highway would not be adversely changed due to implementation of the proposed project. Although disagreement between experts exists in regards to the historic nature of the cork oaks on-site, both experts agree that, regardless of the official designation of the trees as historic resources, pruning of the trees and further development of the project site would not result in a substantial adverse change in the significance of the cork oaks. Finally, the remnants of Gould's Raisin Works are likely limited to a concrete slab associated with a barn on the project site. The project site has not yielded any historic resources, and is unlikely to yield historic resources related to the Gould's Raisin Works in the future due to the development activity associated with the Callori residences and the Kober Apartments. Despite the low likelihood of the site yielding subsurface historic resources related to Gould's Raisin Works, if such undiscovered resources exist, demolition and construction activity associated with the proposed project would have the potential to disturb or damage such resources. Because the project could result in the substantial adverse change in the significance of a previously undiscovered resource related to Gould's Raisin Works, the proposed project would result in a *significant* impact.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

- 4.4-1 *If any subsurface historic remains, prehistoric or historic artifacts, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation.*

²¹ Tree Associates. *Arborist Report: Lincoln40 Project, Olive Drive, Davis, CA*. February 4, 2017.

The archaeologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.

Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory.

Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for the development of the Lincoln40 project site.

4.4-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. Based on the analysis below and with the implementation of mitigation, the impact is *less than significant*.

Tremaine & Associates consulted with the NWIC and NAHC to determine if known archaeological resources were present on the project site. The nearest known archaeological deposit to the project site was located on the corner of 2nd Street and G Street, and is associated with the Terminal Hotel Site. However, previously recorded prehistoric resources were not identified within one-quarter mile of the project site. Furthermore, the NAHC did not identify and sacred lands within the APE. In addition to archival research, Tremaine & Associates conducted a field survey of the project area which covered approximately 70 percent of the site. The remaining 30 percent of the ground surface not surveyed by Tremaine & Associates could not be surveyed due to the presence of existing residences and landscaped yards. Archaeological resources were not discovered during the field survey.

Although previously recorded archaeological resources were not identified by the NWIC the NAHC, or the field survey, portions of the project site not surveyed due to the presence of existing structures could contain subsurface archaeological resources. Additionally, because the project site is underlain by soil deposits associated with an alluvial fan to moderate depths, the project could contain heretofore unknown buried archaeological resources. Therefore, construction activities associated with demolition of the existing structures, site preparation, and construction of the proposed residential structures could uncover undocumented archaeological resources. Should areas containing evidence of archeological resources be encountered, construction activity could result in a *significant* impact related to archaeological resources.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

4.4-2 *Implement Mitigation Measure 4.4-1.*

4.4-3 Directly or indirectly destroy a unique paleontological resource or unique geologic feature on the project site. Based on the analysis below and with the implementation of mitigation, the impact is *less than significant*.

The native soils and geologic material underlying the site are alluvial deposits of Holocene age. Holocene deposits are generally considered too young to be considered

fossil containing.²² Although the potential for paleontological resources to be impacted during construction is considered remote, unknown resources could be encountered during excavation activities. If such resources are encountered during construction-related activity, the disturbance or damage of such resources would be considered a *significant* impact.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

4.4-3 *If any vertebrate bones or teeth are found by the construction crew, the City of Davis Department of Community Development and Sustainability shall be notified and the contractor shall cease all work within 100 feet of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, inspects the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., the University of California Museum of Paleontology), where it shall be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans, utility plans, and subdivision improvement drawings approved by the City for Lincoln40 project site, where excavation work would be required.*

4.4-4 Cause a substantial adverse change in the significance of a unique archeological resource or tribal cultural resource as defined in CEQA Guidelines, Section 15064.5, Public Resource Code Section 5020.1 (k), or Public Resource Code Section 21074 or disturb any human remains, including those interred outside of formal cemeteries. Based on the analysis below and with implementation of mitigation, the impact is less than significant.

As part of the *Archaeological Survey Report* prepared by Tremaine & Associates, a field survey was conducted for the proposed APE. The field survey covered 70 percent of the site, and did not detect any tribal cultural resources or human remains within the APE. Additionally, a search of the Sacred Lands File, conducted by the NAHC for the proposed project, failed to indicate the presence of Native American cultural resources in the immediate project area. However, the NAHC did provide a list of tribes with traditional lands or cultural places within the project area.

The City of Davis conducted consultation with tribes identified by the NAHC, as well as tribes that had requested consultation under AB 52. The City sent consultation requests to

²² Kenneth Finger, Ph.D, Consulting Paleontologist. *Paleontological Records Search for the Mace Ranch Innovation Center Project Site* [pg. 2]. October 19, 2014.

the concerned tribes and received a response from the Yocha Dehe Wintun Nation. Detailed project information, such as the project timeline, and the cultural reports prepared for the proposed project, were provided to the Yocha Dehe Wintun Nation upon request. The Yocha Dehe Wintun Nation requested that the tribe be contacted if new information or cultural items are found.

Although tribal cultural resources, human remains or evidence thereof was not identified within the APE, the potential for unknown tribal cultural resources or human remains to be discovered during construction cannot be eliminated given the known prehistoric occupation of the vicinity by Native American tribes, the alluvial nature of the underlying soil, and the inability of Tremaine & Associates to survey 100 percent of the ground surface of the site. As a result, with implementation of the following mitigation measure, the proposed project would have a *less than significant* impact to human remains.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

4.4-4(a) *Implement Mitigation Measure 4.4-1.*

4.4-4(b) *If human remains are discovered during project construction, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Yolo County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Yolo County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) and the Yocha Dehe Wintun Nation must be contacted within 24 hours. The NAHC and Yocha Dehe Wintun Nation must then identify the “most likely descendant(s)” (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in Public Resources Code 5097.98.*

Cumulative Impacts and Mitigation Measures

The following discussion of impacts is based on the implementation of the proposed project in combination with other proposed and pending projects in the region. Refer to Chapter 5, Statutorily Required Sections, of this EIR for more detail.

4.4-5 Cumulative development in the City of Davis, in conjunction with the development of the proposed project, could contribute incrementally to the regional loss of cultural resources in the City of Davis. Based on the analysis below, the impact would be a *less-than-significant* cumulative impact.

While some cultural resources may have regional significance, the resources themselves are site-specific, and impacts to them are project-specific. For example, impacts to a subsurface archeological find at one project site are generally not made worse by impacts from another project to a cultural resource at another site. Rather the resources and the effects upon them are generally independent. A possible exception to the site specific nature of cultural resource impacts would be a cultural resource that represents the last known example of its kind or is part of larger cultural resources such as a single building along an intact historic Main Street. For such a resource, cumulative impacts, and the contribution of the proposed project to them, may be cumulatively significant. Such is not the case for the proposed project. The site-specific cultural resources analysis did not identify resources within the Area of Potential Effect for the project. Notwithstanding the above example, as noted above in Impacts 4.4-1 through 4.4-4, the potential exists for unknown subsurface historic, prehistoric, paleontological, archaeological and/or tribal cultural resources or human remains to be unearthed during site excavation and grading. Implementation of Mitigation Measures 4.4-1 through 4.4-4 (b) would minimize impacts to a less-than-significant level.

The *Historic Resource Analysis* conducted by Dahlin and Essex, Inc. and the addendum to the *Historic Resource Analysis* prepared by Historic Resource Associates, as well as the *Archaeological Survey Report* prepared by Tremaine & Associates, did not find any recorded prehistoric or archaeological deposits in the area researched. In addition, although buildout of the proposed project could result in impacts to historical or prehistoric resources, if previously unidentified cultural resources are discovered during construction and damaged, impacts to historical or prehistoric resources are site- and project-specific. Any potential impacts resultant of the proposed project would only affect undiscovered cultural resources located at the project site. Similarly, any potential impacts to cultural resources due to individual developments in the City would be project- and site-specific and would not affect other sites throughout the City. Therefore, cumulative development in the City of Davis, in conjunction with the development of the proposed project, would result in a *less-than-significant* cumulative impact related the regional loss of cultural resources in the City of Davis.

Mitigation Measure(s)

None required.